

25/4/NGO - XVI

File No. _____

Vol. XVII opened on 13.01.2011

परम गोपनीय

TOP SECRET

विदेश मंत्रालय

MINISTRY OF EXTERNAL AFFAIRS

(एन० जी० ओ० अनभाग)

(N. G. O. SECTION)

Declassified
विषय : (कृपया इस आवेदन को उलटें)
(Subject : Please Turn Over)

(Subject : Please Turn Over)

फाइल नं०
File No. 254/NGO-XVI

OPENED ON 19.4.07

कहां भेजा Sent to	कब भेजा On	कहां भेजा Sent to	कब भेजा On	कहां भेजा Sent to	कब भेजा On
JS (CNR)	18-4-07	JS (CNR)	12-2-08	JS (CNR)	12/03/08
MH	15-4-07	MH (NCO)	12/04/08	Dir (CA)	11/6/07
JS (CNR)	3-5-07	JS (CA)	4-5-08	Dir (CA)	
SO (NGO)	04.05.07.	MH	10-4-08	Dir (CA)	
JS (CNR)	04-05-07	JS (NCO/CNR)	19-5-08	Dir (CA)	
MH SO (NGO)	07.05.07.	JS (CA)	19-5-08	Dir (CA)	
JS (CA)	20-8-07	JS (CNR)	2-6-08	Dir (CA)	
FS	22-8-07	JS (CA)	04/06/08	Dir (CA)	
JS (CA)	22-8-07	FS	9/6/08	Dir (CA)	
JS (CA)	22-8-07	JS (CNR)	19/6/08	Dir (CA)	
JS (CNR)	16-9-07	JS (NCO)	11/06/08	Dir (CA)	
JS (CA)	16/10/07	JS (CNR)	4-6-08	Dir (CA)	
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JS (LOT)	19/10/07	JS (CA)	11/07/08	Dir (CA)	
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JS (CA)	31/10/07	JS (NCO)	21/08/08	Dir (CA)	
JS (CNR)	12-11-07	JS (CA)	01/09/08	Dir (CA)	
JS (CNR)	22-11-07	JS (CNR)	2-9-08	Dir (CA)	
FS	23-11-07	JS (CNR)	2-9-08	Dir (CA)	
JS (CNR)	30-11-07	JS (CNR)	15-9-08	Dir (CA)	
MH SO (NGO)	07/12/07	MH SO (NGO)	16/10/08	Dir (CA)	
JS (CNR)	18-12-07	JS (CA)	20/10/08	Dir (CA)	
MH SO (NGO)	19/12/07	JS (CNR)	14-11-08	Dir (CA)	
JS (CNR)	20-12-07	MH	20/11/08	Dir (CA)	
MH SO (NGO)	20/12/07	JS (CA)	12-11-08	Dir (CA)	
JS (CNR)	21-12-07	Dir (CA)	12/11/08	Dir (CA)	
MH SO (NGO)	21/12/07	JS (CA)	11/10/09	Dir (CA)	
JS (CNR)	21/12/07	FS	15/10/09	Dir (CA)	
MH SO (NGO)	21/12/07	JS (CA)	26/10/09	Dir (CA)	
JS (CNR)	21/12/07	Dir (CA)	28/10/09	Dir (CA)	
JS (CNR)	21/12/07	JS (CNR)	28/10/09	Dir (CA)	

NOTE-1 to 32

COSS-P-33 to 499

23/12/15



JMCI

विषय : SUBJECT : NETAJI SUBHAS CHANDRAN BONE -
ALLEGED DISAPPEARANCE

जुमले मुखर्जी कमिशन
OF INQUIRY

संबद्ध फाइलें :
Connected Files :

नं०
No. 1 to XV

विषय :
Subject :

किस तारीख को निकाली गई B/F Date	किस क्रम संख्या के लिए निकाली गई For Serial No.	किस क्रम संख्या का निपटारा हुआ Disposal Serial No.	टिप्पणी Remarks

①

No.25/4/NGO-XVI
Ministry of External Affairs
(NGO Section)

Subject: Application under RTI Act, 2005 of Shri Ravindra Kumar Das of Nayagarh, Orissa seeking information regarding Netaji Subhas Chandra Bose.

We have received an application under RTI Act for providing information regarding Netaji Subhas Chandra Bose.

The information sought in the application can be provided by the Ministry of Home Affairs as it is the nodal Ministry for handling matters pertaining to Netaji Subhas Chandra Bose.

In para 1(d) the applicant has sought information about member countries of UNO maintaining on record Netaji as war criminal. The information is not readily available.

(X) However, information was furnished to the Justice Mukharjee Commission of Inquiry that the name of Netaji Subhas Chandra Bose did not figure in the list of UN War Criminals. This information has already been conveyed to the Ministry of Home Affairs.

We may request RTI division to forward the application of Shri Ravindra Kumar Das to the Ministry of Home Affairs for furnishing the requisite information.

DFA submitted please.

M/25/4/107

SO(NGO)

As regards 'X' above, in May, 2006, we have informed MHA that the name of Netaji did not figure in the list of war criminals of UK Govt. also. (P/B). Since the main file is under submission to JS (Eurasia), relevant communication to this effect could not be traced.

Since information has been asked under RTI Act and is time bound, JS(CW) may kindly see for approval of draft as the information might be required to be furnished by MHA.

JS(CW)

Pl. info

Pl. MH

19/4/07

D. M.
13/04/07

T-508/FS/2
27/4/07

S.266/JS(15/10/07)
30/4/07

19/4/07

Dy N. 1024/2607.

f.n.

22.5

Ref. W.R. 27511 of 2016 - Ashw K. Ganguly vs UOZ.

The petition is regarding payment of money to
Renukji Temple, Japur.

We have not received any communication earlier in this regard.

Schneider & Leos

3) 102

~~5/12/05~~

-3-
No.25/4/NGO-Vol XVI
Ministry of External Affairs
NGO section

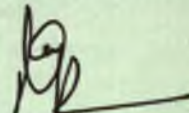
Reference FR, an endorsement from MHA, Internal Security Division, addressed to Ministry of Law & Justice, Kolkatta regarding W.P. No. 27541 of 2006 – Ashim Kr. Ganguly & Anr. Vs. UOI.

2. MEA has neither received above mentioned W.P. nor any other communication relating to it in the past. The subject matter of the above said writ petition relates to prohibiting the respondents from incurring any amount of public money from Public Exchequer for preservation and reservation and/or maintenance of Renkoji Temple, Japan allegedly keeping the ashes of Netaji, who allegedly died on 18.8.45 till disposal of this writ petition. In the absence of the availability of copy of the writ petition, we are not sure if MEA has been listed as one of the respondents.

3. The MHA is the nodal Ministry which has been handling matters pertaining to Netaji Subhash Chandra Bose. The MEA has been providing information in this regard as and when required. Thus, the position stated by MHA in their communication (FR) that the subject matter pertains to MEA, is not correct.

4. In view of the foregoing, we may write to MHA, Internal Security Division about the above factual position and also request them to provide us with a copy of the writ petition for our information and further necessary action, if any.

Submitted please.



(R.K. Kapoor)
Section Officer (NGO)
3.5.07

JS(CNV)

As per para.

D. K.
04/05/07

SO(NGO)

*A draft/letter is placed below for
approval/signature pls.*

19
4/5/07

JS(CNV)

Plum.

D. K.
07/05

SO(NGO)

SA MH
21/5/07

9-

11/07

Issue

(-4-)

D. No. 2015/NG/02

D. No. 17

Receipt

As directed by JSC (G) the file is submitted please
Volume 25 of file is also linked with

Me
22/8/07

22/8/07

22/8/07

22/8/07

F.S. may kindly see FR dated 13.8.2007
from Hon in Tokyo for orders.

27.8.2007

- F.S.

I have spoken to Hon + told him that we
continue our present support to develop +
build a shrine in the new Chancy to receive
the ashes when we can.

27/8/07

28.8.2007

28.8.2007

28.8.2007

28/8/07
S. M. H.
28/8

T. 171. JS (EA) 07
27/8/07

Dy. No.2502/NGO/07 - F.R.

Ministry of Home Affairs has forwarded a copy of Writ Petition No.27541/2006 - Shri Asim Kumar Ganguly and another versus Union of India and others.

At Sl.No. 1 and 5 of the question of law involved the petitioners have asked whether the Government of India can incur expenditure on the upkeep of alleged ashes of Netaji Subhash Chandra Bose kept at Renkoji Temple in Japan.

In an earlier reply to an assurance to Rajya Sabha USQ No.2817 dt. 23.08.2006 the Ministry has replied that " This Ministry is not providing maintenance allowance or other assistance to the Renkoji Temple, Japan." (flag A in linked file No.24/105/NGO/-PT).

Submitted please.

Moe
16/10/07

16/10/07

SO(NGO)

JS(CNV)

JS(EA) may please and suggest response to Sl Nos. 01. and 05 on 'Points of Law Involved' in the Writ Petition filed in the HC of Calcutta w.r. to Netaji Subhash Chandra Bose. Earlier reply to MHA on linked file was formulated by JS(EA) and approved by FS with amendment as conveyed to the Ministry.

JS(EA)

This matter is somewhat different from the earlier case. In that earlier case the question was whether Govt is providing financial assistance (a question of fact). In the present case the questions deal with whether Govt can legally incur public expenditures after submission of Mukerjee Report (a question of law).

JS(CNV) may please seek JS(LRT)'s advice in the first instance on the question of law before we can frame any response.

18.10.2007

T-219/JS(EA)/07
19.10.2007

JS(CNV)

19/10/07

JS(LRT) or RU 29/10/07

The petitioner's averment in para 12 of the petition states that without

making any formal Declaration of death of Netaji by Govt. the Govt. has got no right to spend the ^{Public} money for the upkeep and maintenance of Netaji temple and/or preserve the ashes alleged to have been claimed of Netaji Subarn Bose.

It may be noted that Govt. has a right to ^{accept or} reject the Report of the Mukherjee Commission as it is only a recommendation. The non-acceptance of the Report, therefore, would amount to maintaining status quo ante with regard to the status of Netaji and the ashes.

M

(Dr. M. Gandhi)

Dir (121)

30/10/07

JS CCR

May kindly see for reply to MHA.

D. M.
31/10/07

~~JS (EA) 0.1~~

SECRET

No.25/4/NGO-XVI
Ministry of External Affairs
(East Asia Division)

...

Netaji Subhas Chandra Bose: Writ Petition – comments sought by MHA

MHA has forwarded a copy of Writ Petition No. 27541/2006 Shri Asim Kumar Ganguly v/s Union of India, at S. Nos. 1 and 5 of which the petitioners have asked whether (a) Whether GOI can incur any amount from public exchequer for maintenance of and upkeeping the Renkoji temple in Japan alleged keeping the ashes of Netaji Subhas Chandra Bose after filing/ submitting the Mukherjee Commission report on "Netaji"; and (b) Whether it is the duty of the GOI to stop all expenses for Renkoji Temple in Japan and for alleged ashes of "Netaji" in the said temple.

2. Since these are Questions of Law, we have consulted L&T Division, and their advice may be seen on pages 5-6 *ante*. We have also previously informed MHA that "this Ministry is not providing maintenance allowance or other assistance to the Renkoji Temple, Japan."

3. In the Writ Petition the paragraphs of concern to this Ministry are paragraphs 12 (expenditure on Renkoji Temple from the public exchequer); paragraph 14 (provision of all documents and records relating to Netaji by Government of India); paragraph 15 (whether Government has ceased expenditure on Renkoji Temple); paragraph 17 (transfer of Netaji's ashes to his daughter); and paragraph 18 (GOI's decision to bring back the ashes to India under pressure from the Japanese Government).

4. We may provide the following comments to the MHA:

(a) On the Questions of Law (Sr. Nos. 1 and 5), we may reproduce the advice rendered by L&T Division, as follows: *The petitioner's averment in paragraph 12 of the Writ Petition states that without making any formal declaration of death of Netaji by GOI the Government has got no right to spend public money for the upkeeping and maintenance of Renkoji Temple and / or preserve the ashes alleged to have been claimed of Netaji Subhas Bose. It may be noted that GOI has the right to accept or reject the Report of the Mukherjee Commission as it is only a recommendation. The non-acceptance of the Report, therefore, would amount to maintaining status quo ante with regard to the status of Netaji and the ashes.*

(b) With reference to paragraphs 12 and 15, since we have earlier informed MHA that we are not incurring any expenditure on Netaji's ashes, we may give the following comment: *"This Ministry is not providing maintenance allowance or other assistance to the Renkoji Temple, Japan".*

(c) With reference to paragraph 14 relating to provision of records by GOI, JS (CNV) may kindly formulate comments.

(d) With reference to paragraph 16 regarding the media report on transfer of Netaji's ashes to his daughter, we may give the following comment: *"This Ministry is not aware of any decision by Government to handover the ashes of Netaji to his daughter".*

(e) With reference to paragraph 17 regarding pressure allegedly being put by Government of Japan on GOI to take Netaji's ashes back to India, we may give the following comment: *"Government has not*

discussed the matter with the Government of Japan including on the issue of return of ashes to India."

5. JS (CNV) may kindly frame an appropriate response for paragraph 14 of the Writ Petition, and then obtain Foreign Secretary's approval for the above comments, before forwarding the same to the Ministry of Home Affairs.

Vijay Gokhale

(Vijay Gokhale)
Joint Secretary (EA)
13.11.2007

F.231/JS(EA)/07
15.11.

-JS (UNES) This is for you pl. *Ysl*
21/11

-JS (CNV)

Ministry of External Affairs
CNV Division

...

Reference JS (EA)'s notes on pages 7-8 /ante with regard to comments asked for by MHA at **FR** in response to Writ Petition filed by Shri Ashim Kumar Ganguly and another at the High Court of Calcutta in the matter of investigations into Netaji Subhas Chandra Bose's death and public expenditure on the preservation of his ashes at the Renkoji Temple, Tokyo.

2. JS (EA) has suggested formulations in response to issues raised in the W.P. on (a) the questions of law; (b) paragraphs 12 and 15, concerning contributions to the Renkoji Temple on account of Netaji's ashes; (c) paragraph 14 regarding the media report on transfer of Netaji's ashes to his daughter; and (d) paragraph 17 relating to pressure being put on GOI by Government of Japan to take the ashes back to India. JS (EA) has asked the undersigned to formulate Ministry's comments with regard to paragraph 14 with regard to cooperation or otherwise of GOI in the transfer of documents and records to the Justice Mukherjee Commission of Inquiry.

3. As noted earlier, the nodal Ministry handling issues related to the Mukherjee Commission is MHA and transfer of records and documents to the Commission would be within the purview of that Ministry. Insofar as MEA is concerned, it has cooperated fully with the Commission in seeking and arranging appointments for the members of the Commission during their visits to various foreign destinations in Japan, Russia and Taiwan, and in seeking and forwarding information to the Commission available in its records and from foreign sources identified by the Commission.

4. Accordingly, a draft reply to MHA incorporating the inputs of L&T Division, East Asia Division and CNV Division is placed at **DFA** for FS's approval please.

D. Shaw.
(Debnath Shaw)
JS (CNV)
23.11.07

7-706/FS/07
26/11/07

~~FS~~

~~JS (CNV)~~

SO (New)
B.M.H.
31/11/07

f m
30/11/07

Pl. im.

D. Shaw
03/12/07

21

Dy. No.2952/NGO/07 - FR

Sub: providing information on Netaji Subhash Chandra Bose.

Ministry of Home Affairs has forwarded an appeal under the RTI Act filed by Shri Dev Ashish Bhattacharya seeking the following information:

"Does Government of India acknowledge the Provisional Government of Free India in exile formed by Netaji Subhash Chandra Bose?. If yes, then has Netaji Subhash Chandra Bose given the Head of the state status by the Government of India? If not, then what are the reasons?"

The available records in the NGO section have been checked and there is no files/information available on this subject.

Submitted please.

Md
18/12/07

SO(NGO)

We do not appear to have received MHA's earlier communication dt. 5-7-07, as mentioned in the FR.

No file/information is available in NGO section on the above subject. JS(CVV) may kindly see for further instructions.

18/12/07

JS(CVV)

Forwarded,
Pl. signed
Pl. immediately I.D. note to JS(A&R) placed on file.

D. H.
19/12/07

SO(A&R)

21/12/07

cc

JS A&R 23

JS

Dy. No. 3173/NGO/07

D. No. 24

JS

Re FR As advised by JS(CVV). ~~Re~~ Draft reply to MHA submitted please

Md
28/12/07

May kindly see for appeal please

28/12/07

JS(CVV)

JS(CVV)

Pl. file as amended.
SO(A&R)

21/12/07

D. H.
28/12/07

Ref note - pre-p4
 A few more notes in place below for signature
 please.

Mo
 31/12/07
~~SO(NGO)~~
~~SO(NGO)~~
 Pleiman.

D. Shan
 31/12/07

SO(NGO)
 SHH
 31/12/07

de
 -
 J.M. 25
 J.M. 26
 Don
 Addu

Ref FR - 31/12/07

A reference was made by RM Div 2 National Archives,
 India to provide information on delays related to the
 A reply has been received to RM section is sent to ^{can} ~~no~~
 division for information.

We may send a copy of the reply to MHA
 as the information was sought by them initially.

DFA submitted please.

Mo
 12/12/08
~~SO(NGO)~~
 12/12/08

IS(NGO)
 D. Shan
 12/12/08

SO(NGO)
 SHH
 12/12/08

de
 SHH 28
 Done

by M. Poo/NCW/00

No. 29

A Receipt

As above by JICEA No. 29 is submitted
/less.

M
4/4/08

~~So(NZC)~~

~~4/4/08~~

~~So(NZC)~~

~~4/4/08~~

10.4.2008

156/3316A/08
10/4/08

~~So(NZC)~~

~~4/4/08~~

7. 10. 30

of Apr 31

10/4

10/4

No. 4557 /FS/2008
Ministry of External Affairs
Foreign Secretary's Office

PMO had forwarded a letter from Shri Shashi Bhushan, Ex-MP, President, Institute for Socialist Education and Member, National Committee for the Celebration of 150th Year of First War of Independence (FR) proposing:

- (i) to bring the ashes of Netaji Subhas Chandra Bose from the Renkoji Temple in Tokyo and place them in the Red Fort;
- (ii) to bring a handful of earth from the burial place of Bahadur Shah Zafar in Yangon and symbolically place it on his death anniversary on November 7, 2008 in the Sardaba which Zafar marked as his grave in Zafar Mahal Complex and to conserve Zafar Mahal at Mehrauli and develop it as his memorial; and
- (iii) to bring a handful of earth from the grave of Begum Hazrat Mahal in Kathmandu and bury it at a suitable place in Lucknow as a token of our respect for her role in 1857.

PMO has also forwarded similar letters written by Governor of Jharkhand (FR2) and desired MEA's comments on these proposals.

2. Our comments on the various proposals made by Shri Bushan are as under:

- (i) We had earlier conveyed to PMO the following: *"it has been decided in principle by the External Affairs Minister that, bearing in mind that Government of India has accepted that these are indeed the ashes of Netaji Subhas Chandra Bose and also noting that the new Head Priest of the Renkoji Temple has conveyed that he may no longer in a position to ensure preservation of the remains with due respect at Renkoji, the ashes be relocated to a suitable place in the new building of the Indian Embassy in Tokyo. Construction work on the new chancery will begin in July 2007 and is expected to be completed by July 2009."*

The information was provided to PMO to enable it to respond to a letter from Shri Barun Mukherjee, MP and Shri Subrata Bose, MP.

Since we have indicated earlier that the ashes will be relocated to a suitable place in the new chancery, at this juncture getting the ashes from the Renkoji temple in Tokyo would not be advisable. Once they have been shifted to new Chancery a view could be taken thereafter as to whether we may bring them to India.

- (ii) A proposal had earlier been made to the PMO to move the grave of Bahadur Shah Zafar from Yangon to Delhi as part of the 150th commemoration of the First War of Independence. FS had then conveyed to NSA similar

proposals made earlier had not found favour primarily due to the effect it would have on our understanding with Myanmar. PM Nehru had decided to let the memorial of Bahadur Shah Zafar remain in Yangon as a tribute to India's faith and confidence in Myanmar's respect for Indian national sentiments. It was also likely that if we were to attempt to shift the grave disregarding Myanmarese sentiments, Pakistan could make its habitual anti-historical claim to the grave. The grave in Yangon was well maintained and is a symbol of the shared legacy between India and Myanmar.

Bringing handful of earth from the grave symbolically is the same as the earlier proposal. It may also raise questions in Myanmar's mind about our long term plans for the grave. Thus for the very same reasons as conveyed by FS earlier, it would not be advisable to entertain this proposal. Regarding conserving of Zafar Mahal in Mehrauli, we may have no objection and Department of Culture could be asked by PMO to look into it.

- (iii) As regards the third suggestion, our relations with Nepal are at present very delicately poised, given the ongoing political transition in Nepal. In such a backdrop if this proposal is agreed to it is unlikely to have a positive effect on the bilateral relations. It is therefore suggested that we may advise against it.

Instead of the proposals mentioned above, it would perhaps be better if we could work with local government of Myanmar and Nepal to ensure upkeep of these burial places.

3. FS may please see. If approved, the above would be conveyed suitably to the PMO.

(Naveen Srivastava)
Director (FSO)
23 April, 2008

FS *[Signature]*
23/4/08

Comdly sent to PMO. ofc attached.

Dependent copies (for info + record pl)

✓ (i) JILOR
(ii) JILOR
(iii) JILOR

24.4.2008

Dir (C) RY 24/4

So (NAGS) - keep on Netaji's file

8/4/08

dr

1/4/08

1/4/08

Dy. No.1163/NGO/08 – FR

The Ministry of Home Affairs has forwarded an appeal under RTI Act regarding bringing of ashes of Netaji Subhas Chandra Bose from Renkoji Temple to India.

In response to a similar request from Shri Shashi Bhushan, ex-MP the following has been conveyed by Foreign Secretary's Office to PMO:

"it has been decided in principle by the Ministry of External Affairs that, bearing in mind that Government of India has accepted that these are indeed the ashes of Netaji Subhas Chandra Bose and also noting that the new Head Priest of the Renkoji Temple has conveyed that he may no longer in a position to ensure preservation of the remains with due respect at Renkoji, the ashes be relocated to a suitable place in the new building of the Indian Embassy in Tokyo. Construction work on the new chancery will begin in July 2007 and is expected to be completed by July 2009".

We may seek advise of JS(EA) whether the same reply can be given in response to the RTI application.

Submitted please.

TS-06/JS(AD)/08

MoA
19/7/08

US(NGO)

JS(AD/cnv) may kindly see before the file is sent to JS(SA) for his advice.

19/7/08

JS(AD/cnv)

19/7/08

JS(cnv)'s earlier reply to MMA is placed at sl. no. 21/c (F/X).

JS(EA)

In my view we should not give the above as a response to RTI query. This is an internal decision.

HB

3.6.2008

T-84/JS(EA)/08
3/6/08

-JS(cnv)

CONFIDENTIAL

Ministry of External Affairs
CNV Division

...

Reference notings on pre-page in response to **FR** regarding RTI query on Netaji Subhas Chandra Bose's ashes as under:

"2. If yes, then why the ashes of the great leader of our country are kept in a foreign country? Why are these not brought back to India"

The information asked for is subject to the positive answer given by MHA to point 1. of the query relating to the establishment of the death of Netaji Subhas Chandra Bose and the fact that his ashes have been kept at the Renkoji Temple in Tokyo.

2. Perusal of the file suggests that there is no information contained on the point raised in the first part of the query. Regarding the second part of the query our file indicates that no decision has been taken on the question of bringing back Netaji's ashes to India. Hence a suggested response to the RTI query could be as under:

"No decision has been taken on the question of bringing back the ashes of Netaji Subhas Chandra Bose to India".

3. JS (EA) may please examine the above formulation and seek FS's approval before the response is sent to the applicant.

7-278
Dy. No. ... JS (CNV)/2008
Date ... 05/06

P402/FS/08
9/6/08

D. Shaw
(Debnath Shaw)
JS (CNV)
04.06.08

~~JS (EA)~~ ~~HS~~
10.6.2008

~~FS~~ - ~~FS~~

9/6/08

~~JS (CNV)~~ Pl issue letter

D. Shaw
11/06/08

US (NSO)

S. P. J

D. Shaw

Dz. No 1694/NCV/N - D. No. 34 (82)

A committee of officers was set up to give information under RTI to Shri Anuj Dhar regarding Hologram Subhash Chandra Bose.

The relevant entry about the committee is placed at p. No 15-17/N in file 214/NCV-XV. and the committee details is placed at p. No 8/c in this file.

JS(PAE) has closed to see these papers. We may see the files of JS(PAE).

Sub: The please

Me
4/7/08

~~WJ(NC)~~

~~WJ(NC)~~
4/7/08

~~JS(PAE)~~

D. No
04/07/08

Thanky

~~JS(PAE)~~

~~JS(PAE)~~
4/7

U S Bho
2/11/07

Ministry of External Affairs
(NGO Section)

...

Dy. No.2134/NGO/08 – FR

The Ministry of Home Affairs has forwarded further affidavits filed in connection with Writ Petition No.27541/2006 – Shri Ashim Kumar Ganguly & Ors verses Union of India & Ors regarding Netaji Subhas Chandra Bose.

MEA's comments in this case were sought earlier also and after consulting JS(EA) and JS(L&T) a reply was sent on 3/12/2007 (Sl.No. 21/c).

The petitioners have quoted some extracts from the file No.25/4/NGO Volume II. (linked with this volume).

Submitted please.

Male
22/1/08

US(NGO)

JS(CNV) may kindly see

[Signature]
25/1/08

JS(CNV)

Pls refer to US, MHA enclosing copy of our comments sent earlier.

D. Jha
21/03/08

US(NGO) *reply*
R.M.H.
21/1/08

A few left 2 MHA is placed below for

signature please.

Pls
21/1/08

US(NGO)

Pls issue
R.M.H.
21/1/08

dk

2197/NGO/08
2216/NGO/08

Sl. No 37

Sl. No. 38

Sl. No. 39

Sl. No

Added

Added

Ministry of External Affairs
CNV Division

Subject: **CAN No. 2133/2008 in Writ Petition No. 2754/2006 –
Shri Ashim Kumar Ganguly & Ors versus UOI & Ors.**

PMO vide FR has informed the undersigned that Secretary to PM will take a meeting on the above subject on 01.09.08 (Monday).

2. To briefly recapitulate, the Mukherjee Commission of Inquiry on the circumstances leading to the death of Netaji Subhas Chandra Bose submitted its report to GOI in 2005. Government did not accept the findings of the Commission that Netaji did not die in the air accident near Taipei in 1945 and that the ashes kept in the Renkoji Temple, Japan do not belong to Netaji Subhas Chandra Bose. Since then, a number of court cases have been filed with UOI (MHA) as the respondent seeking to restrain government from (a) expending public funds on the maintenance of the ashes kept in the Renkoji Temple, and (b) from transferring the ashes to India. A number of RTI applications veering around these two fundamental issues have also been addressed to MEA.

3. MEA's stand on these two issues has been that:

- (i) This Ministry is not providing maintenance allowance or other assistance to the Renkoji Temple, Japan; ~~and~~ [as per formulation conveyed to MHA in response to Assurance on a Rajya Sabha USQ No. 2817 dated 23.08.06 on linked file No. 25/105/NGO-Pt], ~~and~~
- (ii) No decision has been taken on the question of bringing back the ashes of Netaji Subhas Chandra Bose to India.

Notes at pages 5-9 /ante and at pages 13-16 /ante may kindly be perused to appreciate the genesis of these two formulations. Our responses sent to MHA for the writ petition and RTI applications have been based on these two fundamental formulations, duly approved by FS.

4. There are *new elements* in W.P. No. 2754/2007 at the Calcutta HC, whereby under CAN No. 2133/2008 to the Writ Petition, which inter-alia includes a number of new petitioners are seeking to associate themselves with the original writ. These new petitioners have sought to introduce material culled from classified files/papers submitted by the PMO and MEA (in 2000) to the Mukherjee Commission. Based on this material, the petitioners have tried to buttress their belief that (a) the ashes kept in the Renkoji Temple, Japan do not belong to Netaji Subhas Chandra Bose, (b) that GOI itself is uncertain about the veracity of the findings of the earlier commissions of inquiry (Shah Nawaz Khan and G.D. Khosla) that Netaji died in the air crash in Taipei and that his ashes have been kept at the Renkoji Temple, and (c) that the GOI is incurring huge expenditure

Ministry of External Affairs
CNV Division

...
from the public exchequer in the maintenance of the ashes in the Renkoji Temple which it claims to be that of Netaji, but in fact is not, and therefore should be prevented from incurring expenditure from the public exchequer. In support of their averments, the petitioners have cited material from official files, including MEA (NGO) file No. 25/4/NGO/Vol-2 (LW-KW) [linked]. The material cited at pages 13, 14, 15 and 16 of CAN No. 2133/2008 may be seen at **F/A, B, C & D** on linked file, respectively.

5. The note recorded by Shri T.N. Kaul (**F/A**) on the question of the ashes of Netaji in Japan pre-dates government's own views after the findings of the Shah Nawaz Khan and G.D. Khosla Commissions that Netaji died in the plane crash in Taipei on 18.08.1945 and that his ashes have been kept in the Renkoji Temple, Japan thereafter. Since GOI has accepted the findings of these two Commissions, Shri Kaul's view recorded on file may not be taken as GOI's view. The notes recorded by S/s A.K. Damodaran, V. Doraiswamy and P.K. Budhwar (**F/B, C & D**) relates to the difficulty facing GOI in taking charge of the ashes due to the continuing controversy about Netaji's death and his ashes in Japan, and the need to recognize the singular sacrifice and devotion of the Renkoji Temple priest in preserving the ashes he believed to be that of Netaji. The affection and loyalty of the priest towards India and its great national hero could not have gone unrecognized, without lowering the image of the India in Japan. Hence, in 1967 GOI decided to make available a token amount of Rs. 5000 (Yen 240,000/- at the then rate of exchange) to the Renkoji Temple, "not for custody of these ashes..." but as a reward for the long-standing loyalty to India. Initially this was given as a one-time grant but subsequently renewed on a year on year basis subject to the positive recommendation of our Embassy in Tokyo. In some years, when not recommended by the Embassy this donation was not given.

6. It is clear from NGO files that the payment made by GOI to the Renkoji Temple, Japan through our Embassy in Tokyo was never meant for the *maintenance of Netaji's ashes* as contended by the petitioners and that it was merely a token *donation* made in recognition of the devotion and loyalty of the institution and its head priest towards India and Netaji. In fact our Ambassadors/HOMs in a number of places make such donations to temples and other places of worship of various faiths, the criteria being the contribution of such institutions to the furtherance of bilateral relations especially between the peoples of that country and the people of India. In this context, the contribution of the Head Priest of Renkoji Temple towards goodwill and warm relations with India and its people can hardly be emphasized. Thus, the contention of the petitioners that this expenditure by GOI was "malafide, unfair and illegal" is not

CONFIDENTIAL

Ministry of External Affairs
CNV Division

tenable. Moreover, in order to avoid the very controversy now sought to be generated, government decided to make these payments from its discretionary grant, details of which are not open for public scrutiny.

7. In view of the position explained above, it is suggested that our inputs for the W.P. No. 2754/2006, now embellished with CAN 2133/2008 remain as forwarded earlier (F/E). Material as contained in paragraphs 5 and 6 above may also be made available to MHA for background information only. If approved, the undersigned will project MEA's views on this issue accordingly at the meeting on 01.09.2008.

8. JS (EA) may please see for changes/addition, if any, and recommend to Secretary (East) for approval.

D. Shaw

(Debnath Shaw)

JS (CNV)

30.08.08

~~JS (EA)~~

1-9-2008

~~Secretary (East)~~

D. Shaw
1/9/08

JS (CNV) Meeting attended. Secretary to P.N. Shri Pankaj Chatterjee chaired. It was decided that (a) MHA will be the nodal Ministry w.r. to the writ Petition /CAN and file affidavit on behalf of all other GOI respondents, and (b) AG will be consulted through Secretary (Law) for an opinion on how to respond.

D. Shaw
01/09/08

~~JS (EA)~~

2-9-2008

~~Secretary (East)~~

D. Shaw
2/9/08

~~NGO~~

JS (CNV) may like to see for information pls

~~JS (CNV)~~

~~JS (NGO)~~

D. Shaw
02/09/08

8/9/08
2/9/08

T-278/JS (CNV)/08
2/9/08
T-62/JS (E)/08
2/9/08

-22-
Ministry of External Affairs
(NGO Section)
...

Dy. No. 2581/NGO/08 - FR (D.P. 44)

The Ministry of Home Affairs had endorsed a copy of RTI application of Shri Tajender Pal Tyagi seeking information regarding Netaji Subhas Chandra Bose.

The information that Netaji's name neither figured in the list of war criminals of UK Government nor in the UN list of war criminals was conveyed to the Ministry of Home Affairs vide this Ministry's u.o. No.24/4/NGO-XV dated 29th May 2006. (D.P. 76 Vol. V)

There is no information available in the files that Orissa High Court's had written to this Ministry regarding the removal of name of Netaji from the list of war criminals.

As the Ministry of Home Affairs is the nodal Ministry for all the matters pertaining to Netaji Subhas Chandra Bose, we may send the information to MHA.

DFA submitted please.

MS
15/11/08

US(NGO)

May kindly see for approval of draft reply pls

MS
15/11/08

JS (CIV)

As amended.

J. Shrivastava
16/10/08

US(NGO)

As per. final/amended note.

SHMH
16/10/08

A for letter is placed below for signature.

please.

MS
16/10

US(NGO)

MS
16/10/08

950/NGO/08
992/NGO/08

MS

57.2045-
5. 20 46
5. 20 47

MS
16/10/08
16/10/08

Ministry of External Affairs
(NGO Section)

...

Dy. No. 1467/NGO/009- FR-I & II

The Ministry of Home Affairs had endorsed a copy of reply sent to RTI applications of S/Shri Sobran Lal Verma and Ramsharan Verma seeking information regarding Netaji Subhas Chandra Bose.

The information that Netaji's name neither figured in the list of war criminals of UK Government nor in the UN list of war criminals was conveyed to the Ministry of Home Affairs vide this Ministry's u.o. No.24/4/NGO-XV dated 29th May 2006.

There is no information available in the files that any warrant has been issued to arrest Netaji Subhas Chandra Bose.

As the Ministry of Home Affairs is the nodal Ministry for all the matters pertaining to Netaji Subhas Chandra Bose, we may send the information to MHA.

DFA submitted please.

SO(NGO) JS(CRR) may kindly see for approval.

Matter
30/7/09

Longhacker
30/7/09

JS(CRR) imrp DFA. As impd. Please also consult EA Division before.

30/7/09

JS(CRR)

JS(EA) 30.7.2009

JS(CRR)

DFA May me.

31/7

SO(NGO) 31/7/09

8/7/12

S.No 52

STUves

Ministry of External Affairs
(NGO Section)

...

Subject: CAN No.2133 of 2008 in Writ Petition No.2754/2006 -
Shri Ashim Kumar Ganguly & Ors versus Union of India & Ors.

The Ministry of Home Affairs has forwarded a copy of an application for addition parties to the original writ petition of 2006 case on the subject mentioned above. The MHA has been requested to provide a clear copy.

The copy of original writ petition was forwarded to this Ministry by MHA vide their letter No. I/12014/12/2007-Cdn dated 12th October 2007. The para-wise comments of this Ministry were sent to MHA on 3rd December 2007.

The MHA on 19.08.2008 forwarded a copy of application in which some applicants requested to add their names to the original petition of 2006. The reply which was sent to MHA on 3rd December 2007 in response to original petition was again sent on 21st August 2008.

In this connection a meeting was held in Prime Minister's Office on 01.09.2008. (details on page 19-21/N).

The present petition is similar to what was earlier forwarded on 19.08.2008. This Ministry has already forwarded its comments in response to the original writ petition. We may sent the same reply as has been given earlier.

DFA submitted please.

M. Ch
28/8/08

Reference note above.

50/600

The matter had been examined earlier (noting on pgs 19-21/N). It was decided to forward send the same info to MHA forwarded earlier on 3-12-07. We may again reiterate as per no note placed below.

J. J. Chakraborty
28/8/08

JS (CNV)

25
Ministry of External Affairs
(NGO Section)

FR-1: CAN No.2133 of 2008 in Writ Petition No.2754/2006 -
Shri Ashim Kumar Ganguly & Ors versus Union of India & Ors.

FR-2 Transfer of records to National Archives of India of the defunct
Justice Mukherjee Commission.

COURT CASE: The Ministry of Home Affairs has forwarded a copy of an application for addition parties to the original writ petition of 2006 case on the subject mentioned above. The MHA has been requested to provide a clear copy.

The copy of original writ petition was forwarded to this Ministry by MHA vide their letter No. I/12014/12/2007-Cdn dated 12th October 2007. The para-wise comments of this Ministry were sent to MHA on 3rd December 2007.

The MHA on 19.08.2008 forwarded a copy of application in which some applicants requested to add their names to the original petition of 2006. The reply which was sent to MHA on 3rd December 2007 in response to original petition was again sent on 21st August 2008.

In this connection a meeting was held in Prime Minister's Office on 01.09.2008. (details on page 19-21/N).

The present petition is similar to what was earlier forwarded on 19.08.2008. This Ministry has already forwarded its comments in response to the original writ petition. We may sent the same reply as has been given earlier.

DFA submitted please.

TRANSFER OF RECORDS

The Ministry of Home Affairs has sought/concurrence of this Ministry to transfer the records of the defunct Justice Mukherjee Commission to National Archives of India.

The files of NGO section were sent to Justice Mukherjee Commission on 14.11.2000. Foreign Secretary's approval was obtained to downgrade the MEA origin documents from "Top Secret" to "Secret". (FS approval is on page 30/N in 25/4/NGO/Vol. V.)

While forwarding these documents the Mukerjee Commission was informed that these files have been downgraded from "Top Secret" to "Secret". However, as the files contain some papers which are still sensitive, it is requested that the Commission may kindly use their discretion as to the use of such material in its report.

In its communications regarding the transfer of records to National Archives the MHA has mentioned that this course of action has the approval of Home Secretary. As the files contain papers which are still of sensitive nature, we may request Ministry of Home Affairs to use their discretion before sending these records to National Archives.

File
14.9.09

Reference note above.

SO(NGO)

2. With regard to the Court Case, MEA's inputs had been conveyed to MHA vide its O.M. dated 3-12-2007. There have been no subsequent developments necessitating any review of the comments as above.
3. Regarding the transfer of records of Mukerjee Commission supplied by MEA, to National Archives of India (NAI) the said Commission had been advised by MEA to exercise discretion in making use of them as some papers were considered sensitive. As some of these papers may still continue to be sensitive, MHA may be advised against transferring them to NAI).
4. May kindly see DFA.

JS(CNV)

Jay Shankar
14.9.09.

RTI MATTER
MOST IMMEDIATE

Ministry of External Affairs
(NGO Section)

....

Dy. No.1742/NGO/09- FR

The Ministry of Home Affairs has endorsed a copy of reply sent to RTI application of Shri Dinesh Srivas seeking information about criminal cases registered against Netaji Subhas Chandra Bose.

There is no information available in this Ministry that any criminal case had been registered against Netaji Subhas Chandra Bose.

As the Ministry of Home Affairs is the nodal Ministry for all the matters pertaining to Netaji Subhas Chandra Bose, we may send the information to MHA.

DFA submitted please

23/8/09

sv/ncw For approval please.

Jay Shankar
23/8/09

JS(ewv)

This was discussed with JS(ewv). Draft as
submitted by JS(ewv) may issue.

Jay Shankar
23/8/09

Sh MH


No.25/4/NGO/Vol.XVI
Ministry of External Affairs
(NGO Section)
.....

Reference 'FR', which is an endorsement of MHA's reply to one Shri Vinay Aggarwal's application under the RTI Act, 2005.

The MHA have informed the applicant that information pertaining to parts 3 & 4 of his application viz: whether the urn containing the ashes of Netaji Subhash Chandra Bose is in Japan; and, secondly, incase the ashes are in Japan, what steps has the Government of India taken to bring the same to India, could be available with the MEA.

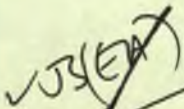
East Asia Division may kindly furnish their comments in the matter so that an appropriate reply could be sent to the applicant/MHA accordingly

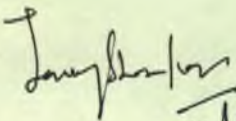
Submitted please.

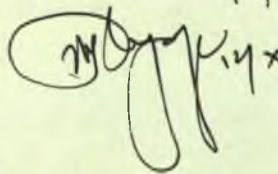

12/10/09

SO (NGO)


JS(CNV)


JS(EA)


14/10/09


14x

Pl. discuss urgently. RTI matter.


17.10.2009

✓ Dir(EA)

No. 25/4/NGO Vol. XVI
Ministry of External Affairs
(East Asia Division)

Subject: Application of Shri Vinay Aggarwal under the RTI Act, 2005

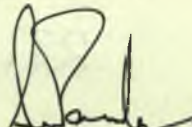
Reference noting on pre-page on the aforesaid RTI application forwarded to us by MHA, with a request to respond to the following queries in the application at Points 3 and 4 respectively:

- (i) Point 3: Whether the urn containing the ashes of Netaji Subhash Chandra Bose is in Japan; and
- (ii) Point 4: In case the ashes are in Japan, what steps has the Government of India taken to bring the same to India?

2. It is suggested that the following replies be considered:


- (i) Point 3: The urn containing the ashes of Netaji Subhash Chandra Bose is believed to be at the Renkoji Temple in Japan.
- (ii) Point 4: No decision has been taken on the question of bringing back the ashes of Netaji Subhash Chandra Bose to India.

3. We may seek Foreign Secretary's approval to the above formulation, before the applicant / MHA are accordingly apprised by the CNV Division.

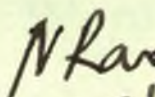

(Sanjay Panda)
Director (China)
22.10.2009

Point 3 above should be modified to
State: "The urn at the Renkoji Temple in Japan is believed to contain the ashes of Netaji Subhas Chandra Bose"


✓ JS (EA)


23.10.2009

✓ FS


23/10/2009

✓ JS (EA) n.a.p.


28.10.2009

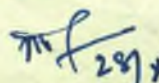
Reference FS' approval.

✓ D/CS

The RTI application may be responded to accordingly.

JSCCNV)
SO (NGO)

May please issue the UoNde
shown as DFA.


28/10/09


28/10/09

T-101/DIR(C)/09
23/10/09

T-654/FS/09
23.10

Reference FR, which relates to an RTI application seeking information pertaining to Netaji Subhash Chandra Bose. Replies have been sought from MEA on points 1, 2 and 3. However, Point no. 3 is clearly outside MEA's purview and pertains to Ministry of Law and Justice.

2. As for points 1 & 2, JS(EA) may wish to peruse relevant previous papers in file (flagged and highlighted), before our inputs are forwarded to NGO Section for responding to the RTI application.

[Signature]
12/03/2010
Dir (China/EA)

T-20/DIR(C/EA)/10
12/3/10

~~JS(EA) o.r.~~

I have been through these papers several times. Please suggest answers for the questions in the RTI application.

T-96/JS(EA)/2010
11/06/10

[Signature]
11/6/10

~~Dir(C/EA)~~ 23/7.
~~So (Who)~~ 23/7
In Hore

T-80/DIR(EA)/10
23/7/10

Ministry of External Affairs
(NGO Section)

Dy. No.1143/NGO/10- FR -I

Dy.No.1350/NGO/10- FR -II

FR-I is an endorsement of reply given to one Shri Anshu Kumar in respect of his RTI application. MHA has requested ^{that} point No. 4 be replied by the Ministry. In point No. 4th applicant has requested for information whether Netaji Subhash Chandra Bose was kept in a jail in Moscow during 1945 and thereafter.

2. In this regard all records available on Netaji Subhash Chandra Bose have been checked thoroughly by the undersigned and no such information has been found.

3. Vide FR-II, MHA has requested this Ministry to provide the information directly to one Shri Dharmendra Goswami, who in his RTI application had sought to know whether Netaji Subhash Chandra Bose was declared as a war criminal after World War-II and about existence of a treaty entered with British that he would be handed over to them on his arrest. The MHA has indicated that they are concerned with the records of the commission set up on disappearance of Netaji Subhash Chandra Bose, which do not contain information on points sought by the applicant.

4. As the records available with NGO also relate primarily to Justice Mukherjee Commission of Inquiry set up to investigate alleged disappearance of Netaji Subhash Chandra Bose, the information is not available with us also. However, in the past we had informed in response to RTI query of a similar nature, that the name of Netaji Subhash Chandra Bose did not figure either in the UN or UK Government's lists of war criminals.

5. In view of non-availability of information with NGO Section, we may forward the RTI applications to ERS/EW Divisions, separately, with the request to ~~respond to them~~. *give factual inputs in the matter*

Submitted please.

~~22/7/10~~
22/7/10
~~SO (NGO)~~
SO (NGO)
~~22/7/10~~
22/7/10
~~SO (NGO)~~
SO (NGO)
~~22/7/10~~
22/7/10
~~SO (NGO)~~
SO (NGO)

Ministry of External Affairs
(NGO Section)

Dy. No.1769/NGO/10 ---- FR

Reference Ministry of Home Affairs' OM No.12014/18/10-Cdn dated 9th August, 2010 forwarding a representation from one Shri Prasant Kumar Samanta of West Bengal, seeking information on (i) INA fund transfer in 1946 in Singapore (ii) Documents relating to Azad Hind Fouz and (iii) Present position of INA fund and its utilization for the benefolent of Azad Hind.

2. In this regard all records available on Netaji Subhash Chandra Bose have been checked thoroughly and no such information has been found.

3. As the Ministry of Home Affairs is the nodal Ministry for all the matters pertaining to Netaji Subhas Chandra Bose, we may send the information to MHA.

DFA submitted please.

Paul
20/8/10

SO(PAO) May kindly see the communication before issue.

Langthar
20/8/10

JS (CIV)

May see 20/8/10

SO (NAR)

Dy. No. 1721/NGO/12

dt. 11.4.12

Sl. No. 81 FR.

Ref remarks by Dir (EA) and the F.R. The file related to information in respect of Netaji Subhash Chandra Bose along with various RTI applications is submitted please.

11.4.12

SO (NAR)

Dir (EA)

11/4/12
seen by Dir (EA)

1721/NH01/12
11/4

No.12014/19/2012-Cdn
Ministry of Home Affairs
Government of India
IS-II Division

22/Din(PA)/12
11/4

33

81

9th Floor, "C" Wing,
Lok Nayak Bhawan, Khan Market,
New Delhi Dated 2nd April, 2012.

To

Shri Pratyush Shukla,
RZ 2683, Mother Teresa Apartments,
2nd Floor, Street No.29,
Tuglakabad Extension,
New Delhi - 110019.

Sub: Information sought under RTI Act, 2005

Sir,

I am to refer to this Ministry's OM No.A-43020/01/2012-RTI dated 15.3.2012 forwarding your application dated 12.2.2012 which was received in the concerned Section on 21.3.2012 and to convey that the report of GD Khosla Commission is available in English only. However, the Report of Justice Mukherjee Commission is available in Hindi. It contains 753 pages. It is requested to deposit Rs.1506/- (Rupees One thousand five hundred six only @ Rs.2/- per page) in favour of Pay & Accounts Officer, Ministry of Home Affairs, North Block, New Delhi for furnishing the information.

2. Shah Nawaz Committee Report is the concern of Ministry of External Affairs. Your application is being transferred to MEA under section 6(3)(I) of the RTI Act, 2005 for providing you the information, if any, available.

3. An appeal in the matter lies with Shri M.Gopal Reddy, Joint Secretary, IS-II Division, Lok Nayak Bhawan, Khan Market, New Delhi.

Yours faithfully,

Bina Prasad
(Bina Prasad)
Director(S)

Tel No.24617196

Copy to :-

Shri Sandeep Chakraborty, Director(EA), Ministry of External Affairs, South Block, New Delhi along with RTI application dated 12/2/2012 for taking necessary action.

2. Shri Amerandra Singh, Under Secretary(RTI), Ministry of Home Affairs, North Block, New Delhi for information.

Ministry of Home Affairs
 458/RTI/CR
 13 MAR 2012
 Received CR Section

RTI "MATTER"
 DATE - 12.02.2012

सेना में

श्रीमान केन्द्रीय जन सूचना अधिकारी,
 ग्रह मन्त्रालय, एन डी ए ब्लॉक,
 नई दिल्ली -

(34)

Dy. No. 1200/2012-RTI
 15/3/2012

महोदय,

सूचना का अधिकार अधिनियम, 2005 के तहत
 मेरे द्वारा जारी हुई बिन्दुवार सूचना का कार्यकारी पत्र
 में आवश्यक शुल्क 180 No-88E-443798 संलग्न है-

बिन्दु-1 - मेराली सुभाष चन्द्र बोस के काचित रूप-
 35 (लगभग) पोपता होने पर हुई जांच रिपोर्ट जो भारत सरकार द्वारा
 तीन बार कलाई गई की रिपोर्ट हिन्दी में उपलब्ध कराने
 का कवच करे। सुलेख सन्दर्भ के लिए आयोग एवं सचिव
 का नाम और उनका पता का निम्नलिखित प्रकार है

1A - तीन सदस्यीय जांच समिति का गठन फ़िब्रवरी 5,
 अप्रैल 1956 को डॉ. सुभाष चन्द्र बोस - 30 (36) एन डी ए /
 55 के अधीन किया गया जिसके अध्यक्ष तत्कालीन
 रेलवे मन्त्रालय के संसदीय सचिव श्री आनन्दराज शर्मा थे।
 के द्वारा की गई जांच की रिपोर्ट की प्रमाणित प्रतिलिपि हिन्दी
 में प्रदान करें।

(2)

Pratyush Shukla
 Chairman
 Mother Teresa Memorial Trust
 R22683, Mother Teresa Apartments,
 11nd Floor, Street No. 29,
 Tuglakabad Extn., New Delhi - 110 019

13 - पृष्ठ ॥ जुलाई, 1970 की डाकघर संख्या -
25/14/70-पाला, ॥ के अर्थात् पंजाब उच्च न्यायालय के
पूर्व मुख्य न्यायाधीश श्री जी. डी. गोसला को डाकघर संख्या
जॉन्स आर्मा को गठन की रिपोर्ट, अर्थात् (गोसला डाकघर)
की जॉन्स कार्यवाही के अंतर्गत सरकार को प्रस्तुत की गई
रिपोर्ट की हिन्दी प्रति (प्रमाणित) प्रदान करें

1C- दिनांक 16 अगस्त 1945 को कायित हुए से गैराली की मृत्यु की जांच के लिए जबिल तीलरा आयोग दिनांक - 14.05.1999 को जारी अधिसूचना संख्या - 339(हि) के तहत भारत के सर्वोच्च न्यायालय के सेवानिवृत्त न्यायाधीश न्यायमूर्ति श्री एम. के. मुखर्जी आयोग द्वारा जांच की रिपोर्ट हिन्दी में उद्यत करें।

यदि कार्टर है कि यदि कार्टर है तो प्रमाणित
 दाताओं के लिए कार्टर मुक्त वताओं को करते हुए यह भी कहा
 कि यह मुक्त को 1 P/D/D/222K/cash सिद्ध के गते को 100% कार्टर का है।
 होना।

F15L

विशेष कार्य- हमारा यह मकालम जो राज किरी सिंग/मकालम की कन-
साद पर उपर्युक्त (पोर्ट) को विवरण देकर का निर्देश न उठाकर नभोति मुने
कन्दन/मकालम में कोई न जायायी मूल्य है।

1P0N0 -
 33-88E-443790

১১৫৮

2020 कादकी एकादशी ०८

PRATYAKSH
(Spiritual Disciple of the late Holiness St. Mother Teresa)
Managing Trustee/Chairman
Mother Teresa Memorial Trust (Regd.)
5/71 Mother Teresa Sadan
Aashray Bhawan, Sikattar Bagh
Farrukhabad (U.P.) 209625

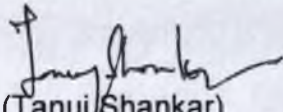
8

36

Ministry of External Affairs
CNV Division

Reference endorsement of Ministry of Home Affairs communication no. 12014/18/10-Cdn dated 09.8.2010 addressed to one Sh. Prasant Kumar Samanta of West Bengal, in response to his RTI application wherein the applicant has been conveyed that information in respect of parts 2, 4 and 10 of his RTI application would be provided by Ministry of External Affairs.

2. The requisite information sought by the applicant, Shri Prasant Kumar Samanta vide para , 4 and 10 of his application to CPIO, MHA is not available with the Ministry of External Affairs.


(Tanuj Shankar)
Section Officer

Ministry of Home Affairs, IS II Division, Lok Nayak Bhawan, 9th Floor, Khan Market, New Delhi (Attn: Sh. K. Muralidharan, Deputy Secretary)
MEA U.O. No. 25/4/NGO-XVI dated 24.08.2010

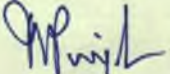
is
24/8

Dy No.48/VCR/2010
Ministry of External Affairs
(VCR Section)

Subject: Information sought by Shri Prasant Kumar Samanta of West Bengal regarding various documents related to Netaji Subhash Chandra Bose like Shah Committee, Justice Mukherji Report, Khosla Report etc. under Right to Information Act 2005.

Placed below is a letter No. 12014/18/10-Cdn. dated 8.8.2010 received in VCR Section from CPIO, M/o Home Affairs, New Delhi addressed to CPIO, CN & V Division, MEA regarding information sought vide para 2, 4 & 10 of the RTI application on the above subject.

The subject does not pertain to VCR Section. May kindly see please for forwarding the letter to JS(RTI) & CPIO for sending it to the concerned Section/Division.


(Manoj K Pujari)
AO (VCR)
18.08.2010

JS (CNV)

Why should this have been sent-
Gnd VCR Section?

NGO Section has been
handling this subject.
Please spk.

So (CNV)

pe. date if we have to
desired information on our files.

17/8

En Hare.

dy. No. 48/VCK/2010
18/08/2010

78

38

No.12014/18/10-Cdn.
Government of India
Ministry of Home Affairs
IS II Division

9th Floor, LNB, Khan Market
New Delhi-3 dated 8.8.2010.

To

Shri Prasant Kumar Samanta
Town Hall Sanchayani 1st Lane
Kalitola Barddhaman,
West Bengal- 713101.

Sub: Application dated 28.5.2010 from Shri Prasant Kumar Samanta, West Bengal regarding various documents related to Netaji Subhash Chandra Bose like Shah Committee, Justice Mukherjee Report, Khosla Report etc. under RTI Act, 2005.

Sir,

I am to refer to your application dated 28.5.2010 on the subject above mentioned. IS-II Division of MHA is concerned with Question No. 1, 3, 5, 6, 7 & 9.

2. Regarding points no.1 of your application, Ministry has not furnished the information to any one so far.

3. The report of Shah Nawaz Committee is a priced publication published by the Publication Division of the Ministry of Information & Broadcasting in 1956. Report of the Justice Mukherjee Commission is available on MHA website www.mha.nic.in. The Khosla Commission Report consists of 139 pages. If you desires to have a photocopy of the report, you are, requested to send a Demand Draft /Banker's Cheque in favour of "Accounts Officer, Ministry of Home Affairs, New Delhi" amounting to Rs. 278/- (i.e. @ Rs. 2/- per page).

4. Regarding point 9, it is to inform that third party information cannot be provided under RTI Act, 2005.

5. The information asked by you in respect of Question no. 2, 4, 8 & 10 relates to other Divisions /other Ministries who are being requested to provide you the information as under:

Question No. 2, 4 & 10

The Deputy Secretary & CPIO
CN & V Division
Ministry of External Affairs
South Block, New Delhi.

Question No. 8

Ministry of Home Affairs
Shri- S.K. Bhatnagar
Deputy Secretary (A&P)
North Block, New Delhi.

4. Appeal against this letter can be made to Ms Rashmi Goyal, Joint Secretary (IS-II), 1st Floor, Lok Nayak Bhavan, Khan Market, New Delhi-110003.

Yours faithfully,

(K. Muralidharan)

Deputy Secretary/CPIO to the Govt. of India

Copy:-

Copy along with a copy of letter dated 28.5.10 received from Shri Prasant Kumar Samanta forwarded for providing information to the applicant :-

- (1) Shri S.K. Bhatnagar, Director (A&P), North Block, MHA.
- (2) The Deputy Secretary & CPIO, CN & V Division, Ministry of External Affairs, South Block, New Delhi.

(K. Muralidharan)

Deputy Secretary/CPIO to the Govt. of India

To Central Public Information Officer ^{US/legat}
 The State Public Information Officer, Ministry of
 Department / Organization : Home Affairs
1. S. Division - II: Cdr Section
9th floor, Lakshmi Bhawan, Khan
Market, New Delhi - 110 005
 Date: 28.05.2010 (40)
 BPL card release
 for exempting from
 other charges
 NO-011503130238
 Subject :- Request for information under Right to Information Act, 2005

Madam/Sir,

I hereby request you to provide the following information under the Right to Information Act 2005 in respect of your Department/Organization.

- ① Certified copies of all available documents, notes, written Particulars of the information required : records regarding CTE orders
 Subject Matter & Description of Information required : relating to NETAJI's files.
 ✓ ② certified copies of INA fund transfer in 1946 in Singapore
 ③ certified copies of all documents regarding disappearance of Indian Icon Netaji Subhas Chandra Bose.
 ✓ ④ certified copies of all documents relating to Azad Hind Fauz.
 ⑤ certified copies of Reports of Shah Nawaj Commission.
 ⑥ certified copies of Khosla Commission.
 ⑦ certified copies of Justice M. K. Mukherji, Commission of inquiry reports regarding disappearance of
 ⑧ certified copies of all written documents, notes, files etc relating to Home Affairs officials post, from Secretary to all Govt. employees in your Section, their pay packets, other benefits upto date as well as Minister in Charge, & other top most posts, State Minister, independent Charge.
 ⑨ certified copies of all RTI applications filed in Home Affairs Ministry relating to Netaji's files & disclosure.
 ✓ ⑩ certified copies of present positions of INA Fund & its utilization for the benevolent of Azad Hind.

The period to which the information relates : 1946 onwards.

Information is required by : Through Post

Full name of the applicant (Full in Block letters) :

Surname	First Name	Second Name
SAMANTA	PRASANT	KUMAR
Address		
House No.	TOWNHALL, SANCHAYANI 1ST LANE	
Street Name / Area	KALITALA - BARDHAMAN -	
City & Pin Code	713101 (W.B) INDIA	
Telephone (residence)	09641335250 (M)	
Mobile		
E-mail		

Kindly provide the information as soon as possible & within the time frame as stipulated under RTI Act, 2005. If necessary please forward the application to the relevant department.

PODant Samanta

Full Signature of the applicant

Place : Burdwan

1/16 So (1dy)

41 2
Memo - 1

TO WHOM IT MAY BE CONCERN

Certified that Name of Shri / ~~Mr.~~ Prasanta Samanta
Son of Vivakananda Samanta Village :- Selenda .P.O:-
Bhatakul is included in BPL list Prepared by DRD -
Cell Burdwan Zilla Parishad at Serial No :-48.
at House hold No ; -011503130238. of 13 Sansad of
Bolgona Grampanchayat .

Date - 19.07.04



Qmm
Block Development Officer
Bhatar Dev. Block,
Bhatar : Burdwan.

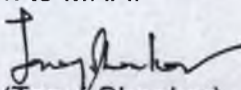
9/07/2004

(72) (42)

No. 25/4/NGO-XVI
Ministry of External Affairs
NGO Section

Placed below is a copy of an RTI application submitted by one Shri Dharmendra Goswami seeking certain information in respect of Netaji Subhash Chandra Bose. The Ministry of Home Affairs, from whom the information had been sought, has requested this Ministry to provide information in respect of this application.

It is requested that factual inputs, if any, in respect of the information sought by the applicant may kindly be provided to the undersigned for onward transmission to MHA.


(Tanu Shankar)
SO (NGO)
22.7.2010

US (EW)

Recd
22/7/10

1226/240/2010
23/6

(43)

डायाली संख्या
Dy No 1618 /JS/CHV/11/10
दिनांक/Dt 24/06

No.12014/15/10-Cdn.
Government of India
Ministry of Home Affairs
Security Division

.....
Lok Nayak Bhavan, 9th floor, 'C' Wing,
Room No.8, New Delhi, dt. 17.06.2010

OFFICE MEMORANDUM

Subject: Information sought under the RTI Act, 2005 regarding Netaji Subhash Chandra Bose.

I am to transfer herewith the RTI application dated 7.5.2010 of Shri Dharmendra Goswami, Lalitpur- 284403 on the above mentioned subject. As the subject matter pertains to Ministry of External Affairs, it is requested that a reply be sent to the applicant directly under intimation to this Ministry.

Yours faithfully,

Encl. as above

(K.MURALIDHARAN)
Deputy Secretary to the Govt. of India

✓ The Joint Secretary
(Shri L.D. Ralte)
CN & V Division
Ministry of External Affairs
South Block, New Delhi.

Copy for information to :

1. Shri Dharmendra Goswami, Goswami Medical, Jagdish Market, Lalitpur- 284403.
2. Shri K.K. Majumdar, US & CPIO, MHA, New Delhi w.r.t. their letter No.A-43020/01/2010-RTI dated 4.6.2010.

(K. MURALIDHARAN)
Deputy Secretary to the Govt. of India

This subject matter is not handled by MHA, as I remember. Please check factually correct, need a suitable reply to MHA, need a suitable EA response if relevant.
24/06

SO (MHA)
Urgent reply.
7/5/23/6
In HOC

(14)

सेवा में

श्रीमान जनसूचना अधिकारी महोदय
द्वारा भुगतान एवं लेखाधिकारी,
राष्ट्रीय ग्रह मंत्रालय,
नई दिल्ली

(3)

विषय -> जन सूचना अधिकार अधिनियम के तहत आवश्यक 14-10 के
पोस्टल आर्डर (कमंक 79F 963771, भुगतान एवं लेखाधिकारी को
देय) सहित आवेदन -

- * द्वितीय विश्व युद्ध की समाप्ति के बाद नेताजी सुभाष चन्द्र बोस को
युद्ध अपराधी क्या घोषित किया गया था, ? किसने किया था ?
- * भारत के आजाद होने समय क्या अंग्रेजों से समझौता हुआ था कि
नेताजी सुभाष चन्द्र बोस के पकड़े जाने पर अंग्रेजों के सुर्द्ध नेताओं
को किया जाएगा - ?
- * यह समझौता कि-किन लोगों द्वारा हस्ताक्षरित है और इस
विषय के कहां सम्पन्न हुआ था ?
- * आजाद होने एवं एक सम्पूर्ण राष्ट्र बनने के बाद भी क्या भारत
वक्त समझौते से बावजू था - ?

कृपया जानकारी दें -

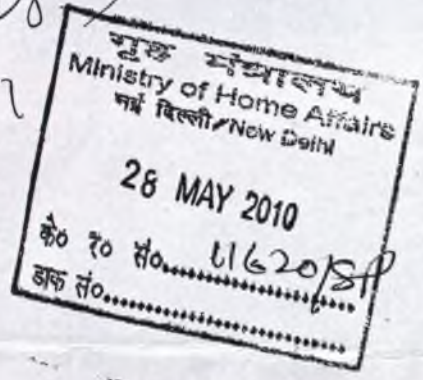
3943/2010-RTI
01/06

दिनांक
01/06/10

भारतीय
एम. नंद गोस्वामी,
गोस्वामी मेडीकल,
अद्वैत मंदिर,
ललितपुर 4403 -

संलग्न - 10-10 का पोस्टल आर्डर

Dr. S.K. Malhotra
(Defunct)
9/1/10

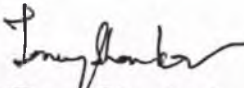


(46) (45)

No. 25/4/NGO-XVI
Ministry of External Affairs
NGO Section

Placed below is a copy of an RTI application submitted by one Shri Anshu Kumar seeking certain information in respect of Netaji Subhash Chandra Bose. The Ministry of Home Affairs, from whom the information had been sought, has requested this Ministry to provide information in respect of Part no. 4 of the application.

It is requested that factual inputs, if any, in respect of the information sought may kindly be provided to the undersigned for onward transmission to MHA.


(Tanu Shankar)
SO (NGO)
22.7.2010

US (Russia)

Issued 22/7/2010

1143/NGO/110
1416

46

डायरी नंबरा
Dy No. 1528/JS (NV)
दिनांक/Dt 11/6

**No.I/ 12014/4/2010-Cdn.
Ministry of Home Affairs
Internal Security Division-II**

**9th Floor, 'C' Wing,
Lok Nayak Bhawan,
New Delhi, the 7th June, 2010.**

To

**Shri Anshu Kumar,
Advocate,
High Court Allahabad,
23/47/112-A Kidwai Nagar,
Vidya Clinic Allapur, Allahabad.**

Subject: Seeking information under RTI Act, 2005.

I am to refer to Ministry of External Affairs RTI Division OM No. RTI/551/270/2009 dated 15.04.2010 w.r.t. your application dated 31.03.2010. With reference to point 1 and 2 of your application it is informed that Shah Nawaz Committee and Khosla Commission concluded that Netaji died in the plane crash at Taihoku on 18th August, 1945, he was cremated in the Taihoku crematorium and his ashes were taken to Tokyo and preserved in the Renkoji Temple there. Justice Mukherjee Commission, however, concluded that Netaji is dead, but did not die in the plane crash and that the ashes in the Renkoji Temple are not of Netaji. While Government of India accepted the conclusion of Shah Nawaz Committee and Khosla Commission, the findings of Justice Mukherjee Commission were accepted partly by the Government.

Regarding point No. 3 your application it has been forwarded to Home Department, Govt. of Uttar Pradesh and District Magistrate Faizabad. Regarding point No. 4, it pertains to Ministry of External Affairs and MHA has no information on the subject. Regarding point No. 5, your application has been forwarded to FFR Division of MHA for sending you an appropriate reply.

Yours faithfully,

**(K.Muralidharan)
Deputy Secretary to the Govt. of India**

There are MS. on this. why he put MS. on this. keep it. 11/6
Shah MHA 15
MHA 15
SO (for 15)
AC-pn. 11/6
11/6
11/6

Copy alongwith a copy of the RTI application for necessary action to:-

- ✓1. Shri L.D.Ralte, Joint Secretary (CNV), MEA, South Block, New Delhi.**
- 2.Shri Paul Ekka, Deputy Secretary, FFR Division, Lok Nayak Bhawan, New Delhi.**
- 3. Secretary, Home Department, Govt. of Uttar Pradesh.**
- 4. District Magistrate, Faizabad, Uttar Pradesh.**

(K.Muralidharan)
Deputy Secretary to the Govt. of India

The Deputy Secretary /CPIO
Ministry of External affairs
Govt. of India South Block
New Delhi -110011

3200/JS(RTI) & CP.O/10

17/4/10

Subject: - Application U/S- 6 (1) of Right to Information Act - 2005. for
obtaining Necessary Informations for which a postal order of
Rs.10/- bearing Sl. No. 83E415953 is attached to this application.

Please give the following Informations about Neta Ji Subhas Chandra
Bose, A Great Indian Freedom Fighter :-

- MHA
reg. wt
1. Is Neta Ji Subhas Chandra Bose, was Died in any accident committed
near about year -1945 ? or not
- reg. wt
MHA
2. Is Bones / Skeleton stored in a temple of Japan are of Neta ji Subhas
Chandra Bose ? or not
- transf. ch. reg. wt
MHA. Hw
sey
UP
3. Is A Baba Lived in Faizabad U.P. famous as a Gumnami Baba and
died on year -1985 was Neta ji Subhas Chandra Bose ? or not
- Small
9/4/10
MHA
4. Is Neta ji Subhas Chandra Bose was lived in any Jail of Masco in
Soviet Russia from year -1945 ? or not
- 3 CRP
5. What is actual position about Neta Ji Subhas Chandra Bose, A Great
Indian Freedom Fighter ?
- FER

Date :

31/03/2010

Anshu Kumar
M.Sc. LL.M.
High Court Allahabad
Applicant

Anshu Kumar
M.Sc LLM .Advocate
High Court Allahabad
23/47/112-A Kidwai Nagar
Vidya Clinic Allanur Allahabad

no. 09794272891, 09452635691

13501 NDA/10

8/7

No.12014/15/10-Cdn.
Government of India
Ministry of Home Affairs
Security Division

डा. न. स. 773/JS (CNV)/20.0
Dy. No. 773/JS (CNV)/20.0
दिनांक/Dt. 28/7

.....
Lok Nayak Bhavan, 9th floor, 'C' Wing,
Room No.8, New Delhi, dt. 2.7.2010

OFFICE MEMORANDUM

Subject: Information sought under the RTI Act, 2005 regarding Netaji Subhash Chandra Bose.

I am to refer to MEA U.O. No. 25/4/NGO-XVI dated 23.06.10 on the above mentioned subject.

2. IS-II Division in the Ministry of Home Affairs is concerned with the records of the Commissions set up on disappearance of Netaji Subhash Chandra Bose, which do not contain information ~~as~~ the points sought by the applicant. The subject matter of the RTI application seeks information about the declaring Netaji Subhash Chandra Bose as a war criminal and about the treaty entered with Britishers that he would be handed over to them on his arrest. The RTI application has also sought information on the names of officers who have signed the treaty. Hence, it is requested that information may be provided to the applicant; if the same is available in your record otherwise the applicant may be informed that the same is not available with you.

(S.K. Malhotra)

Deputy Secretary to the Govt. of India

✓
The Joint Secretary
(Shri L.D. Ralte)
CN & V Division
Ministry of External Affairs
South Block, New Delhi.

Copy for information to:

1. Shri Dharmendra Goswami, Goswami Medical, Jagdish Market, Lalitpur-

284403

Is (A) info available
with NCO/any other Division
in MHA? If checked and
sp. then report

28/8/10
SO (NCO)

Pe sent on file
and submit.
In Home

(50)

7/11

MINISTRY OF EXTERNAL AFFAIRS
(CNV DIVISION)

Reference Ministry of Home Affairs' OM No.12014/15/10-Cdn dated 17th June, 2010 forwarding a representation from one Shri Dharmendra Goswami of Lalitpur.

2. In this regard a copy of Ministry's U.O. note No. 25/4/NGO-XV dated 29th May, 2006 is enclosed. As Ministry of Home Affairs is the nodal authority as far as matters pertaining to Netaji Subhash Chandra Bose are concerned, the relevant information may be provided to the applicant directly.

Tanuj Shankar
(Tanuj Shankar)
Section Officer

ole

Ministry of Home Affairs Security Division, Lok Nayak Bhawan, 9th Floor, 'C' Wing, Room No.8, Khan Market, New Delhi (Attn: K. Muralidharan, Deputy Secretary).

MEA U.O. No. 25/4/NGO-XVI dated 23rd June. 2010

Muralidharan
23/6/10

(78) (51)
MOST IMMEDIATE

**MINISTRY OF EXTERNAL AFFAIRS
(CNV DIVISION)**
.....


Kindly refer to your letter No.12014/2/06-NCB-II dated 25th May 2006 regarding Netaji Subhas Chandra Bose.

As per records available with this Ministry Netaji's name neither figured in the list of war criminals of UK Government nor in the UN list of war criminals. Copies of relevant communications in this regards are enclosed herewith.

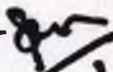
Since the Ministry of Home Affairs is the nodal Ministry for handling the matters pertaining to Netaji Subhas Chandra Bose, an appropriate reply may be forwarded to concerned State Government.


(R.K. Verma)

Section Officer(NGO)


Ministry of Home Affairs, New Delhi (Shri Kamal Kishore, Section Officer, Security Division)

MEA u.o.No.25/4/NGO-XV dated 29th May 2006.

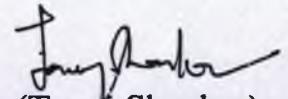

31/5

52

MINISTRY OF EXTERNAL AFFAIRS
(CNV DIVISION)

Reference Ministry of Home Affairs' OM No.12014/12/10-Cdn dated 20th May, 2010 forwarding a representation from one Shri Charan Singh Pawar of UP addressed to Hon'ble President of India.

2. In this regard a copy of Ministry's U.O. note No. 25/4/NGO-XV dated 29th May, 2006 is enclosed. As Ministry of Home Affairs is the nodal authority as far as matters pertaining to Netaji Subhash Chandra Bose are concerned, the relevant information may be provided to the applicant directly.


(Tanuj Shankar)
Section Officer

Ministry of Home Affairs, Security Division, Lok Nayak Bhawan, 9th Floor, 'C' Wing, Room No.8, Khan Market, New Delhi (Attn: Smt. L.P. Shrivastava, Under Secretary.

MEA U.O. No. 25/4/NGO-XVI dated 16th June. 2010

Encld 2/27
17/6

75 33
MOST IMMEDIATE

**MINISTRY OF EXTERNAL AFFAIRS
(CNV DIVISION)**

.....


Kindly refer to your letter No.12014/2/06-NCB-II dated 25th May 2006 regarding Netaji Subhas Chandra Bose.

As per records available with this Ministry Netaji's name neither figured in the list of war criminals of UK Government nor in the UN list of war criminals. Copies of relevant communications in this regards are enclosed herewith.

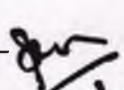
Since the Ministry of Home Affairs is the nodal Ministry for handling the matters pertaining to Netaji Subhas Chandra Bose, an appropriate reply may be forwarded to concerned State Government.


(R.K. Verma)

Section Officer(NGO)


Ministry of Home Affairs, New Delhi (Shri Kamal Kishore, Section Officer, Security Division)

MEA u.o.No.25/4/NGO-XV dated 29th May 2006.


31/5

54

No.12014/12/10-Cdn.
Government of India
Ministry of Home Affairs
Security Division

.....
Lok Nayak Bhavan, 9th floor, 'C' Wing,
Room No.8, New Delhi, dt. 20.05.2010

OFFICE MEMORANDUM

Subject: Cancellation of case "War Criminal" against Shri Netaji Subhash Chandra Bose in Britain.

The undersigned is directed to forward herewith the representation of Shri Charan Singh Pawar, Pradesh Executive Member, Shiv Sena, Saharanpur, U.P. dated 23/01/2010, addressed to the Hon'ble President of India on the above mentioned subject. Since the subject matter pertains to Ministry of External Affairs, it is requested to send the reply to the applicant under intimation to this Ministry.

Yours faithfully,

L.P. Shrivastava

(Smt. L.P. Shrivastava)

Under Secretary to the Govt. of India

Section Officer

✓ The
CN & V Division
Ministry of External Affairs
South Block, New Delhi.

PC p-u m fb. p.

1
9/6

for Home

53



4.2.1 (R)

2

Dist/13

FF(52)

**PRESIDENT'S SECRETARIAT
(PUBLIC SECTION)
RASHTRAPATI BHAVAN
NEW DELHI - 110004**

Serial Number : P1-A /11538

Dated : 11-Feb-2010

Enclosed please find for appropriate attention a petition dated 23/01/10 received from SAMAST SHIVSENA, MOH-CHOUDHRIYAN NAKUD, SAHARANPUR, Uttar Pradesh

Action taken in the matter may please be communicated to the petitioner directly under intimation to this Secretariat.

**(K.C. Jayarajan)
Addl. Comptroller**

1. 22/02/10
8/4/10
H-68/10-FF(P)
21/4/10

To,
**SECRETARY TO THE GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
NORTH BLOCK
NEW DELHI**

Copy to:

**SAMAST SHIVSENA
MOH-CHOUDHRIYAN
NAKUD
SAHARANPUR
Uttar Pradesh**

Subam
6.4.10

SO (WZ)
Not for FF(NZ)

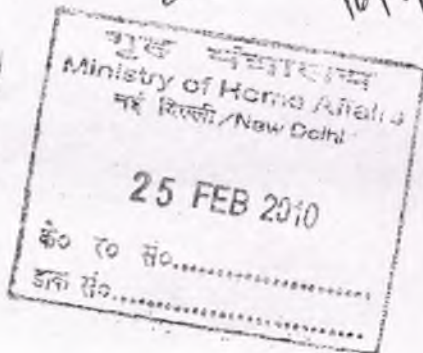
INA

FF(P)

Requested to liaise with the
aforementioned addressee directly
for further information in the matter

9100/02/MMA

Subam
16/4/10



**(K.C. Jayarajan)
Addl. Comptroller**

56

3/11/538
11/02/10
2

प्रेषक,

जिला मैजिस्ट्रेट,
सहारनपुर।

सेवा में,

निजी सचिव,
महामहिम राष्ट्रपति महोदय,
भारत सरकार,
राष्ट्रपति भवन,
नई दिल्ली।



संख्या: 1150/जे0ए0-1(ज्ञापन) . दिनांक:- जनवरी 29 2010
विषय:- चरण सिंह पंवार प्रदेश कार्यकारणी सदस्य शिव सेना सहारनपुर एवं अन्य
पदाधिकारियों द्वारा प्रस्तुत ज्ञापन का प्रेषण।

महोदय,

कृपया चरण सिंह पंवार प्रदेश कार्यकारणी सदस्य शिव सेना सहारनपुर एवं
अन्य पदाधिकारियों द्वारा अपनी मांगों के समर्थन में दिनांक 23-1-2010 को ज्ञापन
प्रस्तुत किया है।

अतः प्राप्त ज्ञापन मूल रूप में संलग्नकर अवलोकनार्थ एवं आवश्यक
कार्यवाही हेतु सादर प्रेषित।

संलग्नक:-उपरोक्तानुसार

भवदीय,

अपर जिला मैजिस्ट्रेट (प्र०)
सहारनपुर।

P.R.

18/5/10

हिन्दू हृदय सम्राट मा० बाला साहेब ठाकरे जिन्दाबाद



राष्ट्रीय कार्यालय : शिव सेना भवन, गडकरी चौक, दादर, मुम्बई-28

प्रदेश कार्यालय : 1, ए० पी० सेन रोड, चार बाग, लखनऊ

जिला संगठन मंत्री
शिव सेना, सहारनपुर

मौहल्ला चौधरीयान,
नकुड़, जिला सहारनपुर
फोन : 01331-243013

10-20-04

23/01/10

सेवा में

महामहिम राष्ट्रपति महोदया
(भारत सरकार)

द्वारा उपजिला अधिगारी
(नकुड़ सहारनपुर)

महोदया,

आपसे अनुरोध है कि श्री नेता जी सुभाष चन्द्र बोस
पर ब्रिटेन द्वारा युद्ध अपराध का मुकदमा लापिस लिया जाये
ताकि वह महान स्वतन्त्रता सेनानी अपने देशवासियों के बीच
आ सकें

निवेदक :- समस्त शिवसेना

जनपद - सहारनपुर

कृष्णसिंह पंजाबी
सहारा सिंह पंजाबी
प्रदेश कार्यवाहकी सदस्य
शिव सेना
सहारनपुर (उ०प्र०)

323/JS(EA)/2010
14/01

2756/DIR(EA)/09
16/12/09

58

78

No. 25/4/NGO-XVI
Ministry of External Affairs
NGO Section

Placed below is an endorsement no. I/12014/33/2009-Cdn. dated December 10, 2009 of MHA's response to one Shri Ramsharan Verma in respect of his application under RTI Act, 2005.

It is requested that inputs of EA Division with respect to points relevant to this Ministry may kindly be furnished to NGO Section for framing the response at an early date.

Tanuj Shankar

(Tanuj Shankar)
Section Officer (NGO)
15.12.2009

✓ Director (China)

Grateful for urgent translation of the
RTI Application.

Paul
15/12/09

by *19/12/09* Asst Dir (OL)

Sh. Premchada

Translation is enclosed here with
SO (OL) *17/12/09*
May kindly see M.

No. 262/H/09
17/12

Re. on Netaji...
18/12/09

Director (China) for instruction pl.

JS(CSA) As directed.
Dir(C) *14/1/10*
04/01/10

2282/NGO/09
15/12

No.I/ 12014/33/2009-Cdn.
Ministry of Home Affairs
Internal Security Division-II

9th Floor, 'C' Wing,
Lok Nayak Bhawan,
New Delhi, the 10th December, 2009.

To

Shri Ramsharan Verma
Netaji Subhash Shishu Shiksha Niketan,
Netaji Subhash Nagar, (Begambagh)
Panchvati, Sitapur,
Uttar Pradesh.

Subject: Application under RTI- Information related to Netaji
Subhash Chandra Bose.

Sir,

Please refer to your application dated 25.10.2009
(received on 13.11.2009) on the above subject.

2. Points No. 1 to 3 of your application relate to Ministry
of External affairs and Ministry of Defence. They are being
requested to send the information to you directly.

3. Point No. 4 relates to Ministry of Law and that Ministry
is being requested to send the information to you directly.

4. Appeal against this letter can be made to Shri Lokesh Jha,
Joint Secretary (IS-II), 9th Floor, C Wing, Lok Nayak Bhawan,
Khan Market, New Delhi-110003.

Yours faithfully,

(S.K.Malhotra)

Deputy Secretary to the Govt. of India

Tel: 2469714

20/12/09
15/12/09
Pl. put up a list of the committee members
to the Ministry of Law.
S.K. Malhotra

URGENT
Pl. look into
file and submit

16
15/12

Sh. Hove

Copy:-

Copy alongwith a copy of letter dated 25.10.2009 received from Shri Ramsharan Verma forwarded to:

1. ✓ Shri L.D. Ralte, Joint Secretary (CN&V), MEA, South Block, New Delhi
2. Mrs. R. Dhanedhar, Director, Ministry of Defence, History Division, Wing-1, West Block-8, R.K.Puram, New
3. Ministry of Law, Department of Legal Affairs, Advice- A Section Shastri Bhawan, New Delhi

3201
(S.K.Malhotra)
Deputy Secretary to the Govt. of India

सूचना का अधिकार अधिनियम 2005 के अन्तर्गत

नाम : रामसरन वर्मा
 पिता का नाम : स्व. दूबराम वर्मा
 पता : नेता जी सुभाष शिशु शिक्षा निकेतन, नेता
 जी सुभाष नगर (बेगमबाग) पंचवटी, सीतापुर (उ0प्र0)
 मोबाइल नं. : 9305591211
 दिनांक : 25.10.2009

सेवा में,

जनसूचना अधिकारी,

मा0 गृहमंत्री

भारत सरकार, नई दिल्ली

महोदय,

निवेदन करना है कि सूचना अधिकार अधिनियम 2005 के अन्तर्गत निम्न बिन्दुओं पर सूचनायें उपलब्ध कराने का कष्ट करें, जिस हेतु अधिनियम के अन्तर्गत दस रुपये का क्रॉस पोस्टल आर्डर नं. 57E 689501 प्रेषित किया जा रहा है।

बिन्दु सं. 1- क्या भारत सरकार के पास नेता जी सुभाष चन्द्र बोस 18 अगस्त 1945 में मृत्यु के अभिलेखीय प्रमाण मौजूद है, उनका अस्थि कलश रनकोजी मन्दिर जापान में सुरक्षित है, इसके भी अभिलेख या दस्तावेज सरकार के पास सुरक्षित है, यदि हाँ तो उनकी प्रमाणित प्रति उपलब्ध कराने का कष्ट करें।

बिन्दु सं.2 — भारत सरकार के पास नेता जी सुभाष चन्द्र बोस की मृत्यु से सम्बन्धित साक्ष्य उपलब्ध है तो फिर किन कारणों से उन पाँच घोषणाओं को सार्वजनिक नहीं किया जा रहा है, जिनकी देश की जनता को जानकारी का हक है। 1. नेता जी सुभाष चन्द्र बोस अन्तर्राष्ट्रीय युद्ध अपराधी नहीं है। 2. प्रकट होने पर बरतानिया सरकार के हवाले नहीं किया जायेगा। 3. भारत पूर्ण स्वतंत्र है, ब्रिटेन के अधीन नहीं। 4. जिस कानून में सारी पृथ्वी, नोट-करेन्सी भारत व पाकिस्तान ब्रिटेन के अधीन लिखा है, वह कानून फर्जी है। 5. जिस संविधान के तहत नेता जी सुभाष चन्द्र बोस पर आज भी वारण्ट जारी है, वह संविधान फर्जी है। इस सम्बन्ध में जो भी अभिलेख अथवा प्रमाण सरकार के पास प्रमाणित है, उनकी भी प्रति उपलब्ध कराने की कृपा करें।

बिन्दु सं.3 — क्या यह सच है कि ए0आई0आर0 1951 सुप्रीम कोर्ट पेज 23, ए0आई0आर0 1956 कलकत्ता पेज 77 व 222, ए0आई0आर0 1956 आसाम पेज 166, ए0आई0आर0 1957 पंजाब पेज 201 व 271, ए0आई0आर0 1959 पंजाब पेज 311, के अनुसार भारत व पाकिस्तान ब्रिटेन के अधीन है।

बिन्दु सं.4 — संविधान की धारा 143/363 (1) के तहत न्यायपालिका आज भी ब्रिटेन के अधीन है? इस सम्बन्ध में सरकार के पास उपलब्ध अभिलेखीय साक्ष्यों की प्रमाणित प्रतिलिपि भी उपलब्ध कराने का कष्ट करें।

उपरोक्त वांछित सूचनायें नियमानुसार उपलब्ध कराने का कष्ट करें। आवेदक निर्धारित ६ महीना अदा करने के लिये वचनबद्ध है।

भवदीय

(रामसरन वर्मा)

उपरोक्त

दिनांक :- 25-10-09

S. K. Mahapatra
 JS (Legal)
 JS

934871109
 6/11

(11)

(62)

Name : Ramsaran Verma
Father's Name : Late Dubram Verma
Address : Netaji Subhash Shishu Shiksha Niketan,
Netaji Subhash Nagar(Begambagh) Panchvati, Sitapur (UP)
Mobile No. : 9305591211
Date : 25.10.2009

To,
Public Information Officer,
Hon'ble Home Minister,
Government of India, New Delhi

Sir,

It is requested to provide information on the following points under the Right to Information Act, 2005, a cross postal order No. 57E689501 of Rs. 10 is being forwarded for this.

Point No.1 Does the Government of India has any archival evidence of death of Netaji Subhash Chander Bose on 18 August 1945, his mortal remains are preserved in Rankoji temple of Japan, and Government has the safe records or documents of its, if yes then the attested copies of these may be provided.

Point No.2 If the Government of India has the evidence related to the death of Netaji Subhash Chander Bose, then for what reasons the five declarations have not been made public, for whom the citizens of the country have right to know. 1. Netaji Subhash Chander Bose is not an international culprit of war. 2. In case of appearance will not be surrendered to Government of Britannia. 3. India is fully independent, not under the control of Britain. 4. Law under which it has been mentioned that the whole Earth, currency, India and Pakistan are under the control of Britain, is a fake law. 5. The Constitution under which a warrant is prevalent today against Netaji Subhash Chander Bose is fake constitution. Whatever record or evidence the Government has in this regard, the copy of the same may be provided.

Point No.3 Is it true that according to the page 23 of Supreme Courts A.I.R 1951, A.I.R 1956 Kolkatas page 77 and 222, A.I.R 1956 Assam page 166, A.I.R 1957 Punjab page 201 and 271, A.I.R 1959 Punjab page 311, India and Pakistan are under the control of Britain.

Point No.4 Under the article 143/363(1) of the constitution today's itself the judiciary is under the control of Britain? In this regard a copy of the available recorded evidence with the Government may also be provided.

Above cited requisite information may be provided as per the rules. Applicant is bound to pay the fixed amount.

Yours Sincerely

(Ramsaran Verma)

(63) ~~82~~
No.12014/37/2009-Cdn.
Government of India
Ministry of Home Affairs
IS-II Division
Cdn. Section
.....

3245
Dy. No. IJS (CNV)/809
Date 21/12

Lok Nayak Bhawan, 9th Floor, 'C' Wing,
R.No.8, New Delhi, dt. 18.12.09

To

Shri K.Chidambram,
Secretary, All India Freedom fighter
Successors Association (Tamil nadu),
Athanur(PO), Rasipuram (Tk),
Namakkal (Dt.),
Tamilnadu – 636 301.

Subject: Implementation of the decision of Central Information Commission
given in the hearing on 26.11.2009 in respect of complaint of Shri
K.Chidambram regarding removal of the name of Netaji Subhash
Chandra Bose as War Criminal.

why?!

The undersigned is directed to refer to FFR Division O.M. No.55/42/07-
FF(P) dated 8.12.2009 on the above subject and to say that IS-II Division of MHA
is not competent to take action on the subject matter. However, Ministry of
External Affairs had earlier informed that Netaji's name did not figure in any of the
UN list of war criminals and, therefore, the question of accepting or considering
him as international war criminal does not arise. Further reference in the matter
may kindly be made to CNV Division of MEA, South Block, (Shri Pradeep Kumar,
SO(NGO)).

2. Appeal against this letter can be made to Shri Lokesh Jha, Joint Secretary
(IS-II), 9th Floor, C wing, Lok Nayak Bhawan, Khan Market, New Delhi-110003

Yours faithfully,

(S.K. Malhotra)

Deputy Secretary & CPIO to the Govt. of India

SO(NGO)
21/12/09
h
21/12
in Hove

Copy to:

64

✓

Shri L.D. Ralte, Joint Secretary (CN&V), MEA, South Block, New Delhi with a copy of application received from Shri K.Chidambram under RTI Act, 2005 for information.

2. Shri Pradeep Kumar, SO(NGO), CNV Division, MEA, South Block.
3. Shri R.C. Nayak, Deputy Secretary & CPIO, FFR Division for information w.r.t his OM No.55/42/07-FF(P) dated 8.12.09.
4. Shri Prem Singh Sagar, US & AR/^{CIC}August Kranti Bhawan, Bhikaji Cama Place, New Delhi.

hsw

(S.K. Malhotra)

Deputy Secretary & CPIO to the Govt. of India

No. 55/42/07-FF(P)
Government of India
Ministry of Home Affairs
(FFR Division)

Lok Nayak Bhawan, Khan Market
New Delhi - 110 003
Dated the 8th December, 2009

OFFICE MEMORANDUM

Sub.: Implementation of the decision of Central Information Commission given in the hearing on 26.11.2009 in respect of complaint of Shri K. Chidambaram regarding removal of the name of Netaji Subhash Chander Bose as War Criminal.

The undersigned is directed to say that in the hearing held on 26.11.2009 Smt. Sushma Singh, Hon'ble Information Commissioner, Central Information Commission, gave a decision that the application of Shri K. Chidambaram dated 12.4.2007 alongwith its enclosures (enclosed) be transferred to the concerned CPIO in the Ministry of Home Affairs, dealing with the subject.

2. In the application dated 12.4.07 the applicant requested to furnish the information sought in his letter dated 14.10.06 and subsequent reminders, the last being dated 19.1.07.

3. It may be stated that the letter dated 14.10.06 and the subsequent reminders were not initially received in this division. The letter dated 14.10.06 was received only alongwith RTI application dated 12.4.07.

4. The reply to RTI application dated 12.4.07 was given vide this division's letter dated 20.6.07 (copy enclosed).

5. Since the subject matter/RTI application relates to IS-II Division, it is requested that further necessary action may kindly be taken in the matter and the complainant (Shri K. Chidambaram), Secretary, All India Freedom Fighters Successors Association (Tamil Nadu) may kindly be informed.

Encl: As above.


(R.C. Nayak)

Deputy Secretary to the Government of India

Shri S.K. Malhotra,
CPIO & Deputy Secretary,
IS-II Division, Ministry of Home Affairs,
9th Floor, Lok Nayak Bhawan,
New Delhi.

- We have only JMC1 records.
- We are not concerned authority competent to take action on this
- History of freedom struggle concerns m/o Culture, as per allocation of B. Rules.

Please put up. My views are as above.

13/12/09

9/12

50(CAU)

8/12/09

Ministry of Home Affairs

G. A. R. 6

(See rule 22 (i))

RECEIPT

1238

No.

Dated. 25-4-2007

Received from. Secy. AIFC Successors Asson. Tamil Nadu with

Letter No./Reference No. App 1/13 (LDR) Dated. 25/4/2007

the sum of Rupees Ten only

in Cash/by Banker Cheque/by Bank Draft/by Indian Postal Order on account of fee
under Right to Information Act 2005. DDA 407111 dt. 13-4-07

Rs. 10/-

Initials

Designation.

62 2

**APPLICATION FOR INFORMATION
UNDER SECTION 6 OF THE
RIGHT TO INFORMATION ACT, 2005**

Letter date: 12-04-07

FROM

Secretary,
All India Freedom Fighters Successor's
Association (Tamilnadu),
Athanur (Po) – 636 301,
Rasipuram (Tk), Namakkal (Dt),
Tamilnadu.

(Applicant's name and Address)

Applicant

TO

THE SECRETARY,
GOVERNMENT OF INDIA,
MINISTRY OF HOME AFFAIRS,
LOK NAYAK BHAVAN,
KHAN MARKET,
NEW DELHI – 11.

PUBLIC AUTHORITY
TO FURNISH INFORMATION

(ADDRESS Must be clearly Stated)

Madam / Sir,

Please be kind enough to furnish me the following information.

“Reply in respect of our letter dt.14-10-06 (Copy enclosed) and subsequent reminders sent up to Dec'06. Last Reminder dated 19-01-07.

Sub : Agreement made between British Government and India
Government Nethaji Subschandra Bose as “War Criminal” charges
to be removed – request submission of – Reg.

(INFORMATION REQUIRED TO BE STATED)

2. May I you request to permit me to inspect the following Documents and take notes there of -

..... NIL.

.....

(Details of Document to be stated)

3. May I request you to furnish me the copies of the following Documents -

..... NIL

.....

(Details of Document to be stated)

4.. I have paid the necessary Fees Rs.10/- by means of Demand Draft

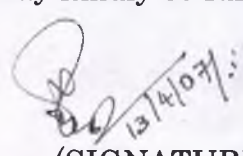
No.BDDU 407111, date : 13-04-07, Indian Bank Branch, Athanur towards
the payment for the above purpose.

(State the payment details)

5. I request that the information / sought for may kindly be furnished at the
earliest.

PLACE : Athanur

DATE : 12 - 04 - 07


(SIGNATURE)
SECRETARY,
ALL INDIA FREEDOM FIGHTER'S
SUCCESSOR'S ASSOCIATION (TAMILNADU)
ATHANUR (P.O.) RASIPURAM (TK.)
NAMAKKAL (DT. TAMILNADU). Pin - 636 301.

Encl : as above said letters.

Let Ganga and Cauvery Rivers Be Linked !

Let Arrack Be Banned and People Be Saved !

Let us Develop Women Education !

JAIHIND.

Regd. No. 1350/87-88

Vaalha Gandhiyam !

Let All Rivers Be Nationalised !

Let National Integration Be Safe - Guarded !

Let us up lift Society !

UNITY !

FAITH !

SACRIFICE !



ALL INDIA FREEDOM FIGHTER'S SUCCESSOR'S ASSOCIATION

(Tamilnadu State Committee)

Administration office : 4/66, Vennandur Pirivu Road, ATHANUR - 636 301. Rasipuram (Tk.) Namakkal (Dt.) ☎ 04287-231489, 231090

K.C. PANT

President, All India Freedom Fighter's
Successor's Association,
Deputy Chairman - Central Govt.
Planning Commission,
Aradhana 13, R.K. Puram,
New Delhi -22.

P.L. BHUPATHY (Retd.BDO)

President,
Tamilnadu Freedom Fighter's
Successor's Association,
8-Maligai Street,
Palligonda - 635 809.
Vellore (Dt.)
Cell No : 944255327

K. CHIDAMBARAM

Secretary,
Tamilnadu Freedom Fighter's
Successor's Association,
Athanur - 636 301. Namakkal Dt.
Ph : 04287 - 231489, 231090

Date 14.10.2006

To
The Honourable Minister Esqu.,
Ministry of Home affairs,
105-North Block,
New Delhi - 110 001.

Respected Sir,

Sub: India -- Independence of India - 1947 --
Agreement made between British
Government & India -- Nethaji Subas
Chandra Bose as war criminal remove the
charges in the agreement -- Requested --
Reg:

---XXX---

We submit the following few lines for kind
perusal and favourable consideration.

India struggled for nearly 200 years to get
independence from the British Government. At the later
period of the struggle, "Sathyagraha" led by Mahathma
Gandhi and the formation of " Indian National Army"
under the leadership of Nethaji Subas Chandra Bose, were
the most important movements to create awarness among
the people for independence. Nethaji left India in 1942
and absconded when the struggle of the movements was
in high emotion.

Then, British Government decided to grant independence to conclude the struggle. Accordingly, Lord Mount Batten Prabu who was the last viceroy of British Government gave Independence and freedom to India on the midnight of 15th August 1947. At the time an agreement was signed stating that whenever Nethaji returned to India, he should have arrested and handed over to British Government. This agreement is still in Vogue.

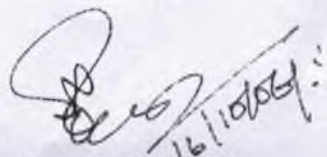
The agreement made thus, between British Government and India is pricking the hearts of the heirs, fellowship and colleagues of Nethaji even to day also. Nethaji was born on 23-1-1897 and he completed 109 years. Somebody thinks that he might have died and few feels that Nethaji is still alive.

What ever the contravention is in existance, we feel that the charge leveled against Nethaji as "War Criminal" is to be removed and a "White paper report" about Nethaji be submitted to the Parliamentary House.

We humbly request that the Honourable Minister for Home may be pleased to consider our request and to take action to pass an act to remove the word "War Criminal" in the agreement. If it is done it would be very helpful not only to the followers & legal heirs of Nethaji but also to the entire nation.

We are looking forward your favourable reply.

Thanking you, Sir. Jaihind!


16/10/04
SECRETARY,
ALL INDIA FREEDOM FIGHTER'S
SUCCESSOR'S ASSOCIATION (TAMILNADU)
ATHANUR (P.O.) RASIPURAM (TK.)
NAMAKKAL (DT.) TAMILNADU. Pin - 636 301.

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दिनांक / Date : 13/04/2007

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एस. एस. सी. S.S.No.

प्रमाणित हस्ताक्षरकर्ता / Authorised Signatories

1407111 0000190001

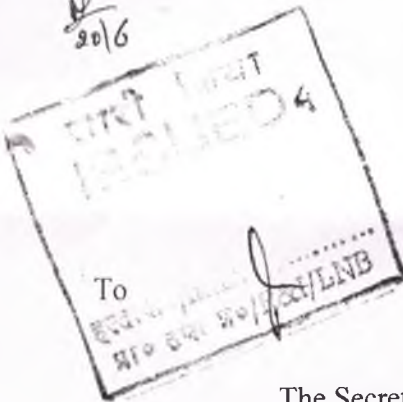
15

S. No. 2 (Issue)

22

8

Pls send
R & R
20/6



No. 55/42/2007-FF(P)
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya
(FFR Division)

Lok Nayak Bhawan, Khan Market,
New Delhi -110 003
Dated the 20th June 2007

20 JUN 2007

The Secretary,
All India Freedom Fighters Successor's,
Association (Tamilnadu),
Athapur (Po) - 636 301.
Rasipuram (Tk), Namakkal (Dt),
Tamilnadu.

Subject: Application for information under RTI, 2005- regarding.

Sir,

I am directed to refer to your application dated 12.4.2007 on the subject mentioned above and to say that no information has been called for in your letter dated 14.10.2006 in terms of Section 3 of the RTI Act, 2005. As such this Ministry is not in a position to send any reply to your application.

Yours faithfully,

(V.K. Gupta)
Deputy Secretary (FF-I)

Copy for information to:-

1. Facilitation Centre, MHA, Lok Nayak Bhawan, Khan Market, New Delhi.

Vandemataram !

Let Ganga and Cauvery Rivers Be Linked !

Let Arrack Be Banned and People Be Saved !

Let's Develop Women Education !

JAIHIND.

Regd. No. 1350/87-88

Vaalha Gandhiyam !

Let All Rivers Be Nationalised !

Let National Integration Be Safe - Guarded !

Let us up lift Society !

UNITY !

FAITH !

SACRIFICE !



ALL INDIA FREEDOM FIGHTER'S SUCCESSOR'S ASSOCIATION

(Tamilnadu State Committee)

Administration office : 4/66, Vennandur Pirivu Road, ATHANUR - 636 301. Rasipuram (Tk.) Namakkal (Dt.) © 04287-231489, 231090

K.C. PANT

President, All India Freedom Fighter's
Successor's Association,
Deputy Chairman - Central Govt.
Planning Commission,
Aradhana 13, R.K. Puram,
New Delhi -22.

P.L. BHUPATHY (Retd.BDO)

President,
Tamilnadu Freedom Fighter's
Successor's Association,
8-Maligai Street,
Palligonda - 635 809.
Vellore (Dt.)
Cell No : 944255327

K. CHIDAMBARAM

Secretary,
Tamilnadu Freedom Fighter's
Successor's Association,
Athanur - 636 301. Namakkal Dt.
Ph : 04287 - 231489, 231090

To

The Secretary,
Government of India,
Ministry of Home Affairs,
Lok Nayak Bhavan,
Khan Market,
New-Delhi - 110 003.

Sir,

Date 4 JUL 2007

Sub: Application under R.T.I 2005 -- certain details about Nethaji
Subaschandra Bose requested -- reg.

Ref: 1. Our letter dated 13-04-07 (enclosing a copy of the letter
dated 14-10-06.)
2. Your letter No: 55/ 42 / 2007 F.F (P) dated:20-06-07.

---XXX---

I submit that I have submitted one application in the reference 1st cited
requesting some details about Nethaji Subaschandra Bose, who fought for India's
freedom during 2nd world war under R.T.I Act 2005.

In the reference 2nd cited, I have been informed that no information has
been called for in the letter dated 14-10-06 interms of section 3 of R-T-I Act.

In this connection, I submit to invite your kind attention to para 5 & 6 of
our letter dated: 14-10-06 wherein I have requested reply for the following points.

1) The charges leveled against Nethaji as **WAR CRIMINAL** is to be
removed and a white paper report about Nethaji to be submitted in the
Parliamentary House.

2) Action taken to pass an act, to remove the word
'**WAR CRIMINAL**' in the agreement made with the British Government.

Hence I request you to kindly send your reply on the points noted in
PARA 5 & 6 of our letter dated 14-10-2006.

A copy of our letter dt: 14-10-06 is submitted herewith again.

Isolicit early reply.

SECRETARY,
ALL INDIA FREEDOM FIGHTER'S
SUCCESSOR'S ASSOCIATION (TAMILNADU)
ATHANUR (P.O.) RASIPURAM (TK.)
NAMAKKAL (DT.) TAMILNADU. Pin - 636 301

S. No. 4 (Issue)

By Registered Post

No. 55/42/2007-FF(P)
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantraya
(FFR Division)

Lok Nayak bhawan, Khan Market,
New Delhi - 110 003

Dated the 18th September 2007

To

The Secretary,
All India Freedom Fighters Successor's Association (Tamilnadu),
Athanur (PO), Rasipuram (Tk),
Namakkal (Dt.),
Tamilnadu - 636 301.

18 SEP 2007

Subject :- Application for information under RTI, 2005 - regarding.

Sir,

I am directed to refer to your application dated 12.4.2007 & 04.7.2007 and this Ministry's letter of even number dated 20.6.2007, on the subject mentioned above.

2. In this regard you are informed that the information sought by you is not covered under "information" as defined in RTI Act, 2005, Subsection (f) of Section 2 of RTI Act, 2005 defines information as under:-

(f) "Information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, sample, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force.

You are further informed that "information" as defined in Sub-Section (f) of Section 2 of RTI Act, 2005 does not imply replying to the queries as contained in your letter, quoted above. For replying to the queries raised by you the CPIO has to form an opinion or take decision which is beyond the scope of "information", 'record' and 'right to information' as defined in the RTI Act, 2005.

Yours faithfully,

o/c

(V.K. Gupta)

Deputy Secretary(FF-I)

Copy for information to:-

1. Facilitation Centre, MHA, Lok Nayak Bhawan, Khan Market, New Delhi.



(75)

R-1549/2560/09
7/12/09

CENTRAL INFORMATION COMMISSION
Appeal No. CIC/ WB/C/2009/000082/SS dated 6.1.2009
Right to Information Act 2005 – Sec23on 19

Name of the Appellant : Shri K. Chidambram
Name of the Public Authority : Ministry of Home Affairs

BACKGROUND:

Vide RTI application dated 12.4.2007 the complainant sought information from CPIO regarding action taken on his representation dated 14.10.2006, addressed to the Minister, M/o Home Affairs and subsequent reminders, the last being of 4.7.2007, for removing the charge of "War Criminal" leveled against Netaji Subhash Chander Bose. The CPIO through his reply dated 20.6.2007 informed the applicant that since no information has been called for in the complainant's letter dated 14.10.2006, the Ministry is not in a position to send a reply to him. Not satisfied with the reply, the complainant filed the present complaint before the Commission.

2. The matter was heard on 26.11.2009.
3. The appellant was not present.
4. Shri R.C. Nayak, Deputy Secretary(FF) & CPIO, and Shri H.C. Bhanot, Under Secretary, MHA represented the respondent.
5. During the hearing the respondents submit that the letter dated 14.10.2006 referred to in the RTI application, and the subsequent reminders were not received by them and that the subject matter of the representation also does not pertain to their Division. The CPIO assures the Commission that the RTI application alongwith the representation dated 14.10.2006 would be forwarded to the CPIO of the concerned Division of MHA, under intimation to the complainant.

DECISION:

6. The respondents are directed to forward the RTI application alongwith its enclosures to the CPIO of the concerned Division of the Ministry of Home Affairs, under intimation to the complainant within 7 days of the receipt of this order.
7. The case is disposed of with the above directions.
8. Notice of the decision be given free of cost to the parties.

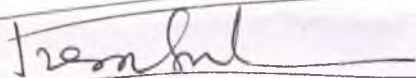
(Sushma Singh)
Information Commissioner
26.11.2009

Recd
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S. Neeraj
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7/12/09

26

Appeal No. CIC/ WB/C/2009/000082/SS

Authenticated true copy.



(Prem Singh Sagar)
Under secretary & A.R.
26.11.2009

Copy to:

- ✓ 1. **Sh. R. C. Nayar**
D. S.-cum-CPIO
Govt. of India
M/o Home Affairs
Lok Nayak Bhawan
Khan Market
New Delhi
2. **Sh. A. K. Goyal**
J.S. (FFR Division),
Govt. of India
M/o Home Affairs
Lok Nayak Bhawan
Khan Market
New Delhi
3. **Sh. K. Chidambaram**
Secretary
Tamilnadu. Freedom Fighter's Successor's Association
Athanur
Rasipuram

(22)

R-1549/2560/09
7/12/09

CENTRAL INFORMATION COMMISSION
Appeal No. CIC/ WB/C/2009/000082/SS dated 6.1.2009
Right to Information Act 2005 – Sec23on 19

Name of the Appellant : Shri K. Chidambaram

Name of the Public Authority : Ministry of Home Affairs



BACKGROUND:

Vide RTI application dated 12.4.2007 the complainant sought information from CPIO regarding action taken on his representation dated 14.10.2006, addressed to the Minister, M/o Home Affairs and subsequent reminders, the last being of 4.7.2007, for removing the charge of "War Criminal" leveled against Netaji Subhash Chander Bose. The CPIO through his reply dated 20.6.2007 informed the applicant that since no information has been called for in the complainant's letter dated 14.10.2006, the Ministry is not in a position to send a reply to him. Not satisfied with the reply, the complainant filed the present complaint before the Commission.

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7. The case is disposed of with the above directions.
8. Notice of the decision be given free of cost to the parties.

(Sushma Singh)
Information Commissioner
26.11.2009

Recd
7/12
his (S)
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S. Neeraj
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7/12/09

71

No.12014/37/2009-Cdn.
Government of India
Ministry of Home Affairs
IS-II Division
Cdn. Section

.....

Lok Nayak Bhawan, 9th Floor, 'C' Wing,
R.No.8, New Delhi, dt. 18.12.09

To

Shri K.Chidambram,
Secretary, All India Freedom fighter
Successors Association (Tamil nadu),
Athanur(PO), Rasipuram (Tk),
Namakkal (Dt.),
Tamilnadu – 636 301.

Subject: Implementation of the decision of Central Information Commission
given in the hearing on 26.11.2009 in respect of complaint of Shri
K.Chidambram regarding removal of the name of Netaji Subhash
Chandra Bose as War Criminal.

The undersigned is directed to refer to FFR Division O.M. No.55/42/07-
FF(P) dated 8.12.2009 on the above subject and to say that IS-II Division of MHA
is not competent to take action on the subject matter. However, Ministry of
External Affairs had earlier informed that Netaji's name did not figure in any of the
UN list of war criminals and, therefore, the question of accepting or considering
him as international war criminal does not arise. Further reference in the matter
may kindly be made to CNV Division of MEA, South Block, (Shri Pradeep Kumar,
SO(NGO)).

2. Appeal against this letter can be made to Shri Lokesh Jha, Joint Secretary
(IS-II), 9th Floor, C wing, Lok Nayak Bhawan, Khan Market, New Delhi-110003

Yours faithfully,

(S.K. Malhotra)

Deputy Secretary & CPIO to the Govt. of India

h
21/12
In Hand

Copy to:

1. Shri L.D. Ralte, Joint Secretary (CN&V), MEA, South Block, New Delhi with a copy of application received from Shri K.Chidambaram under RTI Act, 2005 for information.
- ✓ 2. Shri Pradeep Kumar, SO(NGO), CNV Division, MEA, South Block.
3. Shri R.C. Nayak, Deputy Secretary & CPIO, FFR Division for information w.r.t his OM No.55/42/07-FF(P) dated 8.12.09.
4. Shri Prem Singh Sagar, US & AR/^{CIC}August Kranti Bhawan, Bhikaji Cama Place, New Delhi.

(S.K. Malhotra)
Deputy Secretary & CPIO to the Govt. of India

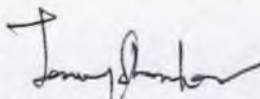
70

80

No. 25/4/NGO-XVI
Ministry of External Affairs
NGO Section

Placed below is an endorsement no. I/12014/33/2009-Cdn. dated December 10, 2009 of MHA's response to one Shri Ramsharan Verma in respect of his application under RTI Act, 2005.

It is requested that inputs of EA Division with respect to points relevant to this Ministry may kindly be furnished to NGO Section for framing the response at an early date.


(Tanuj Shankar)
Section Officer (NGO)
15.12.2009

Director (China)

o/c
gssw

2282/NGO/09
15/12

69

81

No.I/ 12014/33/2009-Cdn.
Ministry of Home Affairs
Internal Security Division-II

9th Floor, 'C' Wing,
Lok Nayak Bhawan,
New Delhi, the 10th December, 2009.

To

Shri Ramisharan Verma
Netaji Subhash Shishu Shiksha Niketan,
Netaji Subhash Nagar, (Begambagh)
Panchvati, Sitapur,
Uttar Pradesh.

Subject: Application under RTI- Information related to Netaji
Subhash Chandra Bose.

Sir,

Please refer to your application dated 25.10.2009
(received on 13.11.2009) on the above subject.

2. Points No. 1 to 3 of your application relate to Ministry
of External affairs and Ministry of Defence. They are being
requested to send the information to you directly.

3. Point No. 4 relates to Ministry of Law and that Ministry
is being requested to send the information to you directly.

4. Appeal against this letter can be made to Shri Lokesh Jha,
Joint Secretary (IS-II), 9th Floor, C Wing, Lok Nayak Bhawan,
Khan Market, New Delhi-110003.

Yours faithfully,

(S.K.Malhotra)

Deputy Secretary to the Govt. of India
Tel: 2469714

Pl. put up a diff
distinction in the
GO (C) (A) 15/12
after consulting the
myself.

URGENT
Pl. send info
file and submit

18
15/12

Sh. Hore

320/
Dy. No.

/JS (CNV)/H.A. 8

Date ...

14/12

82

Copy:-

Copy alongwith a copy of letter dated 25.10.2009 received from Shri Ramsharan Verma forwarded to:

1. ✓ Shri L.D. Ralte, Joint Secretary (CN&V), MEA, South Block, New Delhi
2. Mrs. R. Dhanedhar, Director, Ministry of Defence, History Division, Wing-1, West Block-8, R.K.Puram, New
3. Ministry of Law, Department of Legal Affairs, Advice- A Section Shastri Bhawan, New Delhi

13/12
(S.K.Malhotra)

Deputy Secretary to the Govt. of India

सूचना का अधिकार अधिनियम 2005 के अन्तर्गत

नाम : रामसरन वर्मा
 पिता का नाम : स्व. दूबराम वर्मा
 पता : नेता जी सुभाष शिशु शिक्षा निकेतन, नेता
 जी सुभाष नगर (बेगमबाग) पंचवटी, सीतापुर (उ0प्र0)
 मोबाइल नं. : 9305591211
 दिनांक : 25.10.2009

सेवा में,

जनसूचना अधिकारी,

मा0 गृहमंत्री

भारत सरकार, नई दिल्ली

महोदय,

निवेदन करना है कि सूचना अधिकार अधिनियम 2005 के अन्तर्गत निम्न बिन्दुओं पर सूचनायें उपलब्ध कराने का कष्ट करें, जिस हेतु अधिनियम के अन्तर्गत दस रुपये का क्रॉस पोस्टल आर्डर नं. 57E 689501 प्रेषित किया जा रहा है।

बिन्दु सं. 1- क्या भारत सरकार के पास नेता जी सुभाष चन्द्र बोस 18 अगस्त 1945 में मृत्यु के अभिलेखीय प्रमाण मौजूद है, उनका अस्थि कलश रनकोजी मन्दिर जापान में सुरक्षित है, इसके भी अभिलेख या दस्तावेज सरकारके पास सुरक्षित है, यदि हाँ तो उनकी प्रमाणित प्रति उपलब्ध कराने का कष्ट करें।

बिन्दु सं.2 - भारत सरकार के पास नेता जी सुभाष चन्द्र बोस की मृत्यु से सम्बन्धित साक्ष्य उपलब्ध है तो फिर किन कारणों से उन पाँच घोषणाओं को सार्वजनिक नहीं किया जा रहा है, जिनकी देश की जनता को जानकारी का हक है। 1. नेता जी सुभाष चन्द्र बोस अन्तर्राष्ट्रीय युद्ध अपराधी नहीं है। 2. प्रकट होने पर बरतानिया सरकार के हवाले नहीं किया जायेगा। 3. भारत पूर्ण स्वतंत्र है, ब्रिटेन के अधीन नहीं। 4. जिस कानून में सारी पृथ्वी, नोट-करेन्सी भारत व पाकिस्तान ब्रिटेन के अधीन लिखा है, वह कानून फर्जी है। 5. जिस संविधान के तहत नेता जी सुभाष चन्द्र बोस पर आज भी वारण्ट जारी है, वह संविधान फर्जी है। इस सम्बन्ध में जो भी अभिलेख अथवा प्रमाण सरकार के पास प्रमाणित है, उनकी भी प्रति उपलब्ध कराने की कृपा करें।

बिन्दु सं.3 - क्या यह सच है कि ए0आई0आर0 1951 सुप्रीम कोर्ट पेज 23, ए0आई0आर0 1956 कलकत्ता पेज 77 व 222, ए0आई0आर0 1956 आसाम पेज 166, ए0आई0आर0 1957 पंजाब पेज 201 व 271, ए0आई0आर0 1959 पंजाब पेज 311, के अनुसार भारत व पाकिस्तान ब्रिटेन के अधीन है।

बिन्दु सं.4 - संविधान की धारा 143/363 (1) के तहत न्यायपालिका आज भी ब्रिटेन के अधीन है? इस सम्बन्ध में सरकार के पास उपलब्ध अभिलेखीय साक्ष्यों की प्रमाणित प्रतिलिपि भी उपलब्ध कराने का कष्ट करें।

उपरोक्त वांछित सूचनायें नियमानुसार उपलब्ध कराने का कष्ट करें। आवेदक निर्धारित ६ मनराशि अदा करने के लिये वचनबद्ध है।

दिनांक :- 25-10-09

भवदीय

(रामसरन वर्मा)

उपरोक्त

(18)
No.12014/25/2009-Cdn.
Government of India
Ministry of Home Affairs
IS-II Division
.....

(84)
ND 2208/120109
20/11/09

Lok Nayak Bhawan, 9th Floor, 'C' Wing,
R.No.8, New Delhi, dt. 19.11.09

To

Shri Vinay Aggarwal,
516, Kalindi Kunj,
Mayur Vihar, Awas Vikas,
Chandosi – 202412
District Muradabad(U.P.)

Subject: Application from Shri Vinay Aggarwal under RTI Act, 2005.

Sir,

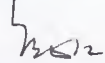
In continuation of this Ministry's letter of even number dated 7th October, 2009 on the above mentioned subject, I am to state that the Ministry of External Affairs has furnished the following information in respect of point No.3 and 4 of your application:-

Point No.3:

The urn at the Renkoji Temple in Japan is believed to contain the ashes of Netaji Subhash Chandra Bose.

Point No.4: No decision has been taken on the question of bringing back the ashes of Netaji subhash Chandra Bose to India.

Yours faithfully,



(S.K. Malhotra)

Deputy Secretary & CPIO to the Govt. of India

Tele: 24697124

Copy to: i) Shri S.K. Bhatnagar, Dy. Secretary (RTI), MHA, North Block, New Delhi w.r.t his O.M.No.A-43020/1/09-RTI dt.8.9.09.

✓ 2) Shri Pradeep Kumar, Section Officer(NGO), Ministry of External Affairs, South Block, New Delhi

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(67) (85)
Ministry of External Affairs
NGO Section

Subject: Application under RTI Act, 2005 from one Shri Vinay Aggarwal

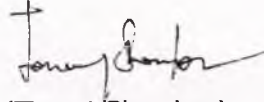
The Ministry of Home Affairs may kindly refer to the endorsement to this Ministry of letter No. I/12014/25/2009-Cdn. dated October 1, 2009 addressed to Shri Vinay Aggarwal in response to his application.

2. With regards to Parts 3 and 4 of the application, the replies of Ministry of External Affairs are as under:

Part 3: The urn at the Renkoji Temple in Japan is believed to contain the ashes of Netaji Subhas Chandra Bose.


Part 4: No decision has been taken on the question of bringing back the ashes of Netaji Subhash Chandra Bose to India.

3. As the Ministry of Home Affairs is the nodal authority insofar as the matters concerning the disappearance of Netaji Subhas Chandra Bose are concerned it may convey the information as above to the applicant.


(Tanuj Shankar)
Section Officer (NGO)

Ministry of Home Affairs, Internal Security Division-II, 9th Floor, 'C' Wing, Lok Nayak Bhawan. (Attn: Shri S.K. Malhotra, Deputy Secretary)

Ministry of External Affairs U.O. No. 25/4/NGO-XVI dt.28.10.2009

o/c

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2049/19/2009
19/10

No.12014/19/2009-Cdn.
Government of India
Ministry of Home Affairs
IS-II Division

86

.....

Lok Nayak Bhawan, 9th Floor, 'C' Wing,
R.No.8, New Delhi, dt. 15.10.09

To

66

Shri Dinesh Srivas,
Near D Cabin, Ward No.33,
Etarsi, District Hoshangabad,
Madhya Pradesh.

Subject: Application of Shri Dinesh Srivas Under Section 6(1) of RTI
Act, 2005 regarding list of registration of criminal cases against
Netaji Subhash Chandra Bose at the time of Independence.

Sir,

In continuation of this Ministry's letter of even number dated 3rd
September, 2009 on the above mentioned subject, it is further conveyed that
the Ministry of External Affairs also have no information regarding list of
registration of criminal cases against Netaji Subhas Chandra Bose at the time
of Independence.

Yours faithfully,

h

(S.K. Malhotra)

Deputy Secretary & CPIO to the Govt. of India

Tele: 24697124

Copy to: 1) Ms. Sankuta Rai, Deputy Secretary & CPIO, Prime Minister's
Office, New Delhi for information..

2) Shri Tanuj Shankar, Section Officer(NGO), Ministry of External Affairs,
South Block, New Delhi

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19/10
on 19/10

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264
Dy. No. 264
Date 07/10/09
IJS (CNV)/2009
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**No.I/ 12014/25/2009-Cdn.
Ministry of Home Affairs
Internal Security Division-II**

**9th Floor, 'C' Wing,
Lok Nayak Bhawan,
New Delhi, the 1st October, 2009.**

To
Shri Vinay Aggarwal,
516, Kalindi Kunj,
Mayur Vihar, Awas Vikas,
Chandosi-202412
District Muradabad(U.P.)

JIS (EA) to be
connected.
Pl. spe.
20/10/09
SO (NCD)

Subject: Application from Shri Pradeep Kumar Pandey under
RTI Act, 2005.

I am directed to refer to your application dated 3.9.2009 received in
IS-II Division on 14.9.2009 on the above mentioned subject and to state
that:

(1) As regards point No. 1&2, the Government of India had set up three
Committee/Commissions to inquire into the alleged disappearance of
Netaji Subhash Chandra Bose. The findings of the three
Committees/Commissions are indicated below:

(i) The Shah Nawaz Committee (SNC)

The Shah Nawaz Committee consisting of three members was
appointed in 1956 to inquire into the alleged disappearance of Netaji
Subhash Chandra Bose. Two members of the Committee came to the
conclusion that Netaji died in the plane crash at Taihoku on 18.8.1945,
he was cremated there and his ashes were taken to Tokyo and preserved
in the Renkoji Temple. The third member of the Committee and elder
brother of Netaji, Shri Suresh Chandra Bose, did not agree with these
findings (although he signed the draft report containing the above
findings) and submitted a dissenting report. The Government accepted
the majority report.

(ii) Khosla Commission

The Khosla Commission was set up in 1970 also came to the
conclusion that Netaji died in the plane crash at Taihoku.

(iii) Justice Mukherjee Commission

Justice Mukherjee Commission set up in 1999 came to the conclusion that Netaji SubhasChandra Bose is dead but did not die in the plane crash as alleged. Ministry of Home Affairs has already made public the report of Mukherjee Commission on Netaji Subhash Chander Bose on 17.5.2006 by laying the same on the table of the both Houses of Parliament.

2. No information is available on point 3 and 4 of your application in IS-II Division. However, it appears that the same could be available with Ministry of External Affairs to whom a copy of your application is being transferred for taking necessary action.

3. Appeal against this letter can be made to Shri Lokesh Jha, Joint Secretary (IS-II), 9th Floor, C Wing, Lok Nayak Bhawan, Khan Market, New Delhi-110003.

Yours faithfully,



(S.K.Malhotra)

Deputy Secretary to the Govt. of India

Tel. 24697124

/ Copy alongwith a copy of the application forwarded for necessary action to:-

✓ Shri L.D. Ralte, Joint Secretary (CN&V), MEA, South Block, New Delhi for necessary action on point 3&4.

Copy for information to:-

Shri S.K Bhatnagar, Deputy Secretary (RTI), MHA.



(S.K.Malhotra)

Deputy Secretary to the Govt. of India

Tel. 24697124

रजिस्टर्ड / स्पीडपोस्ट

(सूचना के अधिकार के तहत)

89

श्रीमान जन सूचना अधिकारी

सूचना मन्त्रालय

नार्थ ब्लॉक

नई दिल्ली

MPA-1331/RTI/09
7/7/09

दिनांक 03-07-09

प्रति,

कृपया निम्नलिखित सूचनाएं सूचना अधिकार अधिनियम के अन्तर्गत देने का कष्ट करें।

1) कृपया बतायें कि ^{क्या} सुभाष चन्द्र बोस की मृत्यु के तथ्य भारत सरकार पर उपलब्ध हैं।

2) कृपया बतायें कि यदि भारत सरकार पर उनकी मृत्यु के तथ्य हैं तो उन्हें सार्वजनिक करें साथ ही उसकी पूर्ण व विस्तृत जानकारी दें।

3) कृपया बतायें कि सुभाष चन्द्र बोस की अस्थियों का कलश जापान देश में है।

4) कृपया बतायें कि यदि सुभाष चन्द्र बोस की अस्थियों का कलश जापान देश में है तो भारत सरकार ने उस अस्थि-कलश को भारत में लाने के क्या प्रयास किये हैं।

टी।

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प्रति,

उपरोक्त जानकारियों 14 दिन के अन्तर्गत भेजने का कष्ट करें, पोस्टल आर्डर संख्या 80E 193311 10/- रु० का सलग्न है।

सलग्न - पोस्टल आर्डर संख्या 80E 193311

अफदीय

(सहस्र)

विनय अग्रवाल

516, कालिन्दी कुन्ज

मयूर विहार आवास विकास

Dr. S. K. Maiti (Legal)

1755/N60/09
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10108/FS409
21/08/09

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2363

No. 12014 / 4 / 2008 – Cdn
Government of India
Ministry of Home Affairs
I S-II Division: Cdn Section

Dy. No. / JS (CNV) 808
Date ... 07/08

14

9th Floor, Lok Nayak Bhawan,
Khan Market, New Delhi.

Dated, the 31st Aug, 2009.

To,

The Secretary,
Ministry of External Affairs,
South Block,
New Delhi.

**Subject: Transfer of records to National Achieves of India of the
defunct Justice Mukherjee Commission**

Sir,

I am directed to refer to this Ministry's letter of even number dated 13th April, 2009, 8th July, 2009 and 30th July, 2009 on the subject mentioned above and to request that the concurrence of the Ministry of External Affairs is still awaited, which may kindly be expedited so that the records may be transferred to the National Achieves of India as per their recommendations. Incidentally, it may be mentioned here that the above course of action has also been approved by Home Secretary.

Yours faithfully,

Amar Chand

(Amar Chand)

Under Secretary to the Government of India

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SO(NGO)

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Dy. No. 2568 /JS (CNV)/2009
Date ... 23/9/09

No.12014/25/2009-Cdn.
Government of India
Ministry of Home Affairs
IS-II Division

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सपरी सं. /स. सं. 2009
Dy. No. ... /NGO/2008
दिनांक/Dated ... 23/9/09

.....
Lok Nayak Bhawan, 9th Floor, 'C' Wing,
R.No.8, New Delhi, dt. 25.9.09

To

Shri Jagdish Saxena,
President,
Nagrik Adhikar Chetana Parishad,
66, Second Floor,
D.S.I.D.C. Complex,
Mata Sundari Road,
New Delhi-110002.

Subject: Information sought by Shri Jagdish Saxena under Right to
Information Act, 2005.

Sir,

Please refer to your application dated 12.9.2009 (received on 23.9.09) on the above subject. Question No.1 of your application relates to Ministry of External Affairs and Question No.3&4 relates to PM Division and FFR Division of MHA respectively and your application is being transferred to them for sending you a suitable reply.

2. In so far as Question No.2 of your application is concerned it is stated that Justice Mukherjee Commission of Inquiry was set up to enquire into the alleged disappearance of Netaji Subhas Chandra Bose and has used a number of documents collected by the Commission from various Central /States/foreign Governments, which run into lakhs of pages and providing a copy each of them is not possible/feasible, unless a specific document that too if the same is of unclassified in nature and pertaining to MHA, is asked for.

3. Appeal against this letter can be made to Shri Lokesh Jha, Joint Secretary (IS-II), 9th Floor, C wing, Lok Nayak Bhawan, Khan Market, New Delhi-110003.

Yours faithfully,

(S.K. Malhotra)

Deputy Secretary & CPIO to the Govt. of India

23/9/09
SO (CNV)
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Copy with a copy of the application forwarded to:-

1. Shri L.D. Ralte, Joint Secretary (CNV), Ministry of External Affairs, South Block, New Delhi.
2. Shri V.K. Sharma, DS(PMR), PM Division, Jaisalmer House, New Delhi.
3. Shri S.N. Burman, Director(Freedom Fighter), Lok Nayak Bhawan, New Delhi.

4. Copy also forwarded for information to Shri K. Lalil Kumar, Under Secretary & CPIO, Prime Minister's Office, New Delhi, with reference to her O.M.No.RTI/1807/2009-PMR dated 16.9.09.



(S.K. Malhotra)

Deputy Secretary & CPIO to the Govt. of India

Tele: 24697124

93

507/09

URGENT	
Date No. 2326 & Date 19/09/09	
For Disposal 19/09/09	

दिनांक:-12.09.09

सेवा में,

श्रीमान पी.आई.ओ.

मार्फत: प्रधानमंत्री महोदय

प्रधानमंत्री कार्यालय

सारुथ ब्लॉक, नई दिल्ली

19/09/09
19/09/09
19/09/09

विषय: सूचना अधिकार अधिनियम -2005 के तहत: निवेदन पत्र।

नाम : जगदीश सक्सेना - अध्यक्ष

नागरिक अधिकार चेतना परिषद सम्बंधित राष्ट्रीय
मुक्ति मोर्चा

कार्यालय: 66, द्वितीय तल, डी.एस.आई.डी.सी. काम्पलैक्स, माता
सुंदरी रोड, नई दिल्ली-110002

विभाग : प्रधानमंत्री कार्यालय

19/9/09
50(RTD)

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सूचना का विवरण-

- 1) माननीय श्रीमान नेता जी सुभाष चन्द्र बोस को ब्रिटिश सरकार को सौंपने के लिए किए गए ब्रिटिश सरकार से समझौते की नकल कापी आर.टी. आई. एक्ट के तहत: उपलब्ध कराए जाने की कृपा करें।
- 2) न्यायमूर्ति मुखर्जी आयोग द्वारा उपयोग किए सभी दस्तावेज आर.टी.आई. एक्ट के तहत: उपलब्ध कराए जाने की कृपा करें।
- 3) माननीय स्वर्गीय श्री लालबहादुर शास्त्री श्रीवास्तव प्रधानमंत्री भारत सरकार की मृत्यु का कारण एवं जांच रिपोर्ट एवं उनकी मृत्यु के समय स्वर्गीय श्रीमति इंदिरा गांधी के कार्यकाल में कितना धन खर्च किया गया व उन्होंने स्वर्गीय श्री लालबहादुर शास्त्री जी की मृत्यु में जांच के लिए क्या भूमिका निभाई है। स्वर्गीय श्रीमति इंदिरा गांधी एवं स्वर्गीय श्री राजीव गांधी एवं

MHA

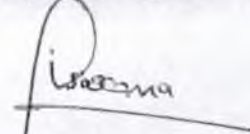
स्वर्गीय श्री पंडित जवाहर लाल नेहरू व अन्य नेताओं की अकाल मृत्यु के समय भारत सरकार ने कितना रूपया खर्च किया था। कृप्या आर.टी.आई. एक्ट के तहत: सूचना उपलब्ध कराए जाने की कृपा करें।

- 4) कांग्रेस शासनकाल के समय स्वतंत्रता सैनानियों एवं कायस्थों के खिलाफ अब तक की सरकारों ने उनकी हत्याएं करवाए जाने की क्या-क्या साजिश रची है। कृपया आर.टी.आई. एक्ट के तहत: सूचना उपलब्ध कराए जाने की कृपा करें।

सूचना अधिकार-अधिनियम-2005 के तहत: समय सीमा 30 दिन के भीतर सूचना उपलब्ध कराए जाने की कृपा करें। सूचना अधिकार-अधिनियम-2005 के तहत: जमा की धनराशि मात्र 10/- रूपए का पोस्टल ऑर्डर नं०— जमा किया गया है।

8450-125581

निवेदनकर्ता/ प्रार्थी



जगदीश सक्सेना

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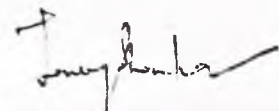
RTI MATTER
MOST IMMEDIATE

MINISTRY OF EXTERNAL AFFAIRS
(CNV DIVISION)

.....

With reference to your endorsement No.12014/19/2009-Cdn, dated 1st September 2009, concerning information sought by Shri Dinesh Srivas under the Right to Information Act, 2005, it is to convey that this Ministry has no information available with it regarding list of registration of criminal cases against Netaji Subhas Chandra Bose at the time of Independence.

As the Ministry of Home Affairs being the nodal Ministry for all the matters pertaining to Netaji Subhas Chandra Bose, may therefore appropriately deal with the RTI application concerned.



(Tanuj Shankar)
Section Officer(NGO)

Ministry of Home Affairs, Lok Nayak Bhavan, New Delhi.
(Shri S.K. Malhotra, Deputy Secretary, Internal Security Division)

MEA u.o.No.25/4/NGO-XVI dated 23rd September, 2009.

o/c

issued
23/9

Sl. No. 1742 / एन.ओ. 1200
दिनांक/Dated 8/9 /NGO/2009

No.12014/19/2009-Cdn.
Government of India
Ministry of Home Affairs
IS-II Division
.....

96

Lok Nayak Bhawan, 9th Floor, 'C' Wing,
R.No.8, New Delhi, dt. 1.9.09

To

61

Shri Dinesh Srivas,
Near D Cabin, Ward No.33,
Etarsi, District Hoshangabad,
Madhya Pradesh.

Subject: Application of Shri Dinesh Srivas Under Section 6(1) of RTI
Act, 2005 regarding list of registration of criminal cases against
Netaji Subhash Chandra Bose at the time of Independence.

Sir,

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Please refer to your application dated 20.7.09 (received on 4th August, 2009). The information asked by you is not available in our records. However, it appears that the same may be available with Ministry of External Affairs or Ministry of Culture who deal with history of freedom struggle. Accordingly, your application is, transferred to Ministry of External Affairs and Ministry of Culture for appropriate action in the matter under the provisions of RTI Act, 2005.

Yours faithfully,

(S.K. Malhotra)

Deputy Secretary & CPIO to the Govt. of India
Tele: 24697124

(92)

2343
Dy. No. /JS (CNV)/2008
Date ... 04/09

Copy with a copy of the application forwarded to:-

1. ✓ Shri L.D. Ralte, Joint Secretary (CNV), Ministry of External Affairs, South Block, New Delhi.
2. Shri Sudesh Kumar, Deputy Secretary, Ministry of Culture, ^{Shastri} Vigyan Bhavan ~~Annexe~~, New Delhi.
3. Copy also forwarded for information to Ms. Sanukta Rai, Deputy Secretary & CPIO, Prime Minister's Office, New Delhi, with reference to her O.M.No.RTI/1399/2009-PMR dated 29.7.09.

^{MSJ2}
(S.K. Malhotra)

Deputy Secretary & CPIO to the Govt. of India
Tele: 24697124

20/07/09

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प्रपत्र एक

सूचना का अधिकार अधिनियम 2005 की धारा (6) (1) के अंतर्गत

PRIME MINISTER'S OFFICE

1	आवेदक का नाम	दिनेश श्रीवास्तव	24 JUL 2009
2	पूरा पता/ई-मेल/फैक्स जिस पर जानकारी प्रेषित की जाना है	D - केबिन के पास, word NO. 33 नरेंद्र नगर रजिस्ट्रार जिले लोहागावा (मध्य प्रदेश)	
3	दूरभाष क्रमांक	94-244-83050	
4	आवेदन देने का दिनांक	20.7.2009	
5	कार्यालय का नाम	प्रधान मंत्री कार्यालय, नई दिल्ली	
6	चाही गयी जानकारी का विवरण	15 August 1947 को- जब देश स्वतन्त्र हुआ था एवं उद्देश्य "स्वयं 'नेताजी सुभाष चन्द्र बोस' के विरुद्ध क्या आपराधिक प्रकरणों की जांच करें? यदि हाँ तो 'पंजीबद्ध आपराधिक प्रकरणों' की सूची प्रदान करने का कृपया करें. 2) 'वर्तमान में इन प्रकरणों' की क्या स्थिति है?	
7	क्या चाहते हैं नकल/निरीक्षण रिकार्ड का निरीक्षण/रिकार्ड की प्रमाणित प्रति/प्रमाणित नमूना	अभिलेख की प्रति	UPCLNT
8	आवेदन के साथ अदा किया जाने वाले प्रोसेस की रुपये 10/- नगद स्टाम्प (बीपीएल सदस्यों को देय नहीं) रसीद का दिनांक	N.A.	1838 D. No. 29/07/09 & Date
9	क्या आवेदन गरीबी रेखा के नीचे है अथवा नहीं है/नहीं यदि हाँ तो बीपीएल सूची का अनुक्रमांक	word NO. 33 - 115	For 12 20/07/09

हस्ताक्षर
(आवेदनकर्ता)

टीप : यदि आवेदक द्वारा डाक से आवेदन प्रेषित किया जाता है तो आवेदन पत्र पर रुपये 10 का स्टाम्प चस्पा करते हुए रजिस्टर्ड/यूपीसी/डाक व्यय सहित स्वयं का पता लिखा हुआ लिफाफा साथ में संलग्न करें (बीपीएल सूची के सदस्य को डाक व्यय देय नहीं)

पावती

1. आवेदन प्राप्त होने का दिनांक :
2. आवेदनकर्ता को वांछित जानकारी प्राप्त करने के संबंध में
3. संबंधित शासन/अधिकारी जहाँ से जानकारी उपलब्ध होगी

(लोक सूचना अधिकारी/सहायक लोक सूचना अधिकारी द्वारा प्राप्त हुई)

प्राप्तकर्ता के हस्ताक्षर
पदनाम (खबर सील)

दिनांक / /2009

1312576

Ministry of External Affairs
(CNV Division)

Reference Ministry of Home Affairs' (MHA) communications no. I/12014/12/2007-Cdn dated 19th August 2009 forwarding CAN No. 2133 of 2008 in WP No. 27541 (W) of 2006 filed by Shri Ashim Kumar Ganguly and others and no. 12014/4/2008-Cdn dated 31st August 2009 regarding transfer of records to National Archives of India of the defunct Justice Mukherjee Commission.

2. With regard to the aforesaid writ petition, this Ministry had already conveyed its views vide its O.M. of even number dated 3rd December 2007 and has nothing further to add to the views furnished by it. A copy of the O.M. is enclosed for ready reference.

3. On the issue of transfer of records of the defunct Justice Mukherjee Commission to National Archives of India (NAI), it may be mentioned that the 9 files (copies) of this Ministry made available to the Commission contain papers of a sensitive nature and their coming into the public domain as a consequence of their transfer to NAI, might not be advisable in public interest.

4. This issues with the approval of Competent Authorities in the Ministry of External Affairs.

(Tanuj Shankar)
Section Officer (NGO)

Ministry of Home Affairs, Lok Nayak Bhavan, New Delhi (Shri Amar Chand,
Under Secretary, Internal Security-II Division

Ministry of External Affairs U.O. No. 25/4/NGO-XVI dated 14.9.2009

21

100

59

COURT CASE
JUST IMMEDIATE

No. 25/4/NGO – XVI
Ministry of External Affairs
CNV Division

03 December
... November, 2007

OFFICE MEMORANDUM

Subject : Writ Petition No. 27541/2006 – Shri Ashim Kumar Ganguly
and another versus UOI and others.

The undersigned is directed to refer to Ministry of Home
Affairs letter No. I/12014/12/2007-Cdn dated October 12 2007 on the
subject above.

2. The comments of this Ministry with regard to paragraphs of
the Writ Petition pertaining to MEA are as under:

(a) **On the Questions of Law (Sr. Nos. 1 – 5)**

The petitioner's averment in paragraph 12 of the Writ Petition states
that without making any formal declaration of death of Netaji by GOI
the Government has no right to spend public money for the upkeep
and maintenance of Renkoji Temple and / or preserve the ashes
alleged to have been claimed of Netaji Subhas Bose. It may be noted
that GOI has the right to accept or reject the Report of the Mukherjee
Commission as it is only a recommendation. The non-acceptance of
the Report, therefore, would amount to maintaining status quo ante
with regard to the status of Netaji and the ashes.

(b) **Paragraphs 12 and 15**

This Ministry is not providing maintenance allowance or other
assistance to the Renkoji Temple, Japan.

(c) **Paragraph 14**

This Ministry has cooperated fully with the Commission in seeking
and arranging appointments for the members of the Commission
during their visits to various foreign destinations in Japan, Russia and
Taiwan, and in seeking and forwarding information to the
Commission available in its records and from foreign sources
identified by the Commission.

101

(d) **Paragraph 16**

This Ministry is not aware of any decision by Government to handover the ashes of Netaji to his daughter.

(e) **Paragraph 17**

Government has not discussed the matter with the Government of Japan including on the issue of return of ashes to India.

J. Shaw 03/12/02
(Debnath Shaw)

Joint Secretary (CNV)

Tel: 23011357

Shri S.K. Goswami
Under Secretary
Internal Security Division
Ministry of Home Affairs
Lok Nayak Bhawan
Khan Market, New Delhi

1749/NGO/09
8/9

(55)

10108/FS/09
20/08/09

(102)

No. 12014 / 4 / 2008 – Cdn
Government of India
Ministry of Home Affairs
I S-II Division: Cdn Section

2363
Dy. No. IJS (CNV)/2009
Date 09/08/09

9th Floor, Lok Nayak Bhawan,
Khan Market, New Delhi.

Dated, the 31st Aug, 2009.

To,

The Secretary,
Ministry of External Affairs,
South Block,
New Delhi.

**Subject: Transfer of records to National Achieves of India of the
defunct Justice Mukherjee Commission**

Sir,

I am directed to refer to this Ministry's letter of even number dated 13th April, 2009, 8th July, 2009 and 30th July, 2009 on the subject mentioned above and to request that the concurrence of the Ministry of External Affairs is still awaited which may kindly be expedited so that the records may be transferred to the National Achieves of India as per their recommendations. Incidentally, it may be mentioned here that the above course of action has also been approved by Home Secretary.

Yours faithfully,

Amar Ch

(Amar Chand)

Under Secretary to the Government of India

As I recall, this was sent out last month. Pending P1?

10/08/09

SO (Hes)

As discussed
re put up a
note.

11/8/09

for MH

Ak
3/9

IJS (CNV)

(57) 703

2264
Dy. No. JIS (CNV)/2008
Date 24/08

No.I/ 12014/12/2007-Cdn.
Ministry of Home Affairs
Internal Security-II Division
Cdn. Section

अपने सं. 1668/स.सं.सं./2009
Dy. No. ANGO/2009
दिनांक/Date 26/8

9th Floor, 'C' Wing,
Lok Nayak Bhawan,
New Delhi, the 19th August, 2009.

To

- ✓ 1. The Joint Secretary (CNV),
Ministry of External Affairs,
South Block, New Delhi.
2. The Secretary,
Ministry of Defence,
South Block, New Delhi.
3. Secretary to PM
PMO, South Block,
New Delhi.

Pl. study it thoroughly
and advise if there are any
comments, perwise or otherwise,
to be made by us.
26/8

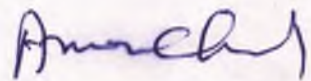
80 (P/20)
Have asked
AS, MHA for
a clearer
copy.
7/8
to MH

Subject: CAN No.2133 of 2008 in WP No. 27541 (W) of 2006 – Shri
Ashim Kumar Ganguly & ors versus Union of India & Ors.

Sir,

I am directed to refer to this Ministry's letter of even number dated
19.8.2008 on the above mentioned subject and to enclose a copy of an
application for addition of parties in the case. It is requested that para-
wise comments may kindly be sent to this Ministry immediately so that
affidavit on behalf of the Government of India could be filed. This may
kindly be treated as Most Urgent.

Yours faithfully,



(Amar Chand)

Under Secretary to the Govt. of India

Tel: 24610466

704
By/Hand/Speed Post.

MOL. F. No. 909/Homc/095 | 1756/3417
(IN ALL CORRESPONDENCE THE FILE NO.
AND CAUSE TITLE MAY CLEARLY BE GIVEN)

Tele: 22484806
FAX : 22311646

MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF LEGAL AFFAIRS
BRANCH SECRETARIAT, KOLKATA

11, Strand Road,
Kolkata 1.

Date: 31-7-09

To ✓ Mr S.K. Malhotra
Dy Secy (Legal)
Min of Home Affairs
Lok Nayak Bhawan
Khan Market
N-D-110003

Sub:

CAN. 2133 of 2009
WP. 27541 of 09
Sri Ashim Ganguly.

Sir/Madam,

Please note that Sri/Smt. Tarun Singh
(Bar Assn. Room No. High Court, Calcutta Telephone No. 942350606)
has been engaged in the aforesaid matter as Advocate on Record
with Sri/Smt. R.N. Das, Spl Counsel (Bar Assn. Room No.
High Court, Calcutta Telephone No. 9830268681) as his/her Sr.

You are requested to depute one conversant officer with
all relevant documents of the case and furnish parawise comments
brief history and necessary instruction etc. for drawing Affidavit in
Opposition /Reply/Application/Appeal etc to contact this Ministry and
Counsel engaged to do the needful and keep this office posted with
the current development of the case from time to time.

Incidental costs may be paid to the Advocate on Record for
filing vakalatnama and Affidavit in Opposition etc.

Duly signed Vakalatnama by the concerned department of UOI
may be furnished immediately after receipt of this letter.

Department concerned is request to return the petition/
application as enclosed after making xerox.

us(f)

5
7/8

Pl put up immediately

by
7/8

to (Cdr)

Yours faithfully,

(G. S. Malhotra) 4/8/09

Jr. Central Govt., Advocate.

Encl: AS above.

For:

1. CAN No. 2133 of 09
2. Ltr dtd 21-7-09
3. Ltr dtd 14-7-08

Tarun Kumar Ghosh
Advocate
High Court, Calcutta.

Bar Association
Room No: 2
High Court, Calcutta
Ph. Bar Association : 2248-5579/3190
Fax No. (033) 2248-2313
E-mail : barasolc@calcutta.net.in

Chamber : 2350-9128 & 2351
Mobile : 9433506006
Fax No: (033) 2350-9128
Chamber :
10-A, Dr. Kartick Bose Street
1st floor, Kolkata - 700 009
Visiting Hours : 6 p.m. to 9 p.m.

By Hand
Through Special Messenger

The 14th July, 2008.

To
The Additional Government Counsel,
Ministry of Law & Justice
Department of Legal Affairs, Branch Secretariat,
11, Strand Road, Kolkata - 700 001

Your Ref. No. : 1204/Home/06/HI dt. 21.12.2006 and
1204/Home/06/III/1824 dt. 30.07.2007

Re : W.P. No. 27541 (W) of 2006
Sr. Union Ganguly & Anr.Petitioners.
Union of India & Ors.Respondents.

(The matter pending in the Hon'ble High Court, Calcutta)

Attention : **Mr. G. S. Makkar, Jr. Central Govt. Advocate,**
Ministry of Law & Justice.

Dear Sir,

Kindly refer to the letter dated 18th March, 2008 addressed to Mr. S. K. Malhotra, Deputy Secretary to the Govt. of India, Ministry of Home Affairs, PS Division, Cdn Secretariat, Room No. 2, Lok Nayak Bhawan, Khan Market, New Delhi - 110003 and to the said letter forwarded to the Additional Government Counsel, Ministry of Law & Justice, Department of Legal Affairs, Branch Secretariat, 11, Strand Road, Kolkata - 700 001 about affidavit-in-opposition to this case.

However, the matter was listed in the daily supplementary list dated 11th July, 2008 of Their Lordships of the Hon'ble Mr. Surinder Singh Nijjar, Chief Justice and the Hon'ble Justice Pankaj Chandra Ghose under the head "Hearing" and placed for hearing before Their Lordships on 11.07.2008 itself.

I myself along with the Sr. Counsel Mr. R. N. Das appeared on your behalf at the time of its oral submission of affidavit-in-opposition dated 05th March, 2008. The matter was heard and after hearing the Ld. Advocates for the respective parties an application for adjournment filed by the Ld. Advocate Miss Debjani Ghosal allowed. Their Lordships directed that the matter will be placed for further hearing after 2(two) weeks.

Contd. P 2.

Tarun Kumar Ghosh

**Advocate.
High Court, Calcutta**

Bar Association

Room No: 2

High Court, Calcutta

Ph. Bar Association : 2248-5579/3190

Fax No. (033) 2248-2313

E-mail : barasohc@cal.cmc.net.in

Chamber : 2350-9128 & 2351-2988

Mobile : 9433506066

Fax No: (033) 2350-9128

Chamber :

10-A, Dr. Kartick Bose Street,

1st floor, Kolkata - 700 009.

Visiting Hours : 6 p.m. to 9 p.m.

:: 2 ::

The 14th July, 2008

In view of the nature of the view that opposition is necessary to be filed on or before the next day of filing against the contents of application for addition of parties file by the Ld. Advocate Mr. Debjani Ghosal.

I am enclosing herewith a copy of application for addition of parties being CAN No. 2133 of 2008 for consideration.

This is for your perusal and doing the needful.

Thanking You

Encl: 15/07/08

Yours faithfully,
Tarun Kumar Ghosh

(TARUN KUMAR GHOSH)

Advocate.

14.07.2008

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2357

Jarun Kumar Ghosh

Advocate
High Court, Calcutta

Bar Association
Room No. 2
High Court, Calcutta
Bar Association : 2248-5579/3190
Fax : (033) 2248-2313
E-mail : barasohc@cal.cmc.net.in

10-A, Dr. Kartick Bose Street,
1st Floor, Kolkata-700009
Phone : 2350-9128 & 2351-2988
Mobile : 9433506066
Visiting Hours : 6 P.M. to 9 P.M.

By Hand
Through Special Messenger

The 21st July, 2009
5796

To
The Additional Government Counsel,
Ministry of Law & Justice,
Department of Legal Affairs, Branch Secretariat,
11, Strand Road, Kolkata - 700 001.

Your Ref. File No: 1204/Home/06/III dt. 21.12.2006 and
1204/Home/06/III dt. 24.07.2007

Re P. No: 27541 (W) of 2006
Sri Ashim Ganguly & Anr. Petitioners.
- Vs -
Union of India & Ors. Respondents.

(The matter is pending in the Hon'ble High Court, Calcutta)

Attention : Mr. G.S. Makkar, Jr. Central Govt. Advocate,
Ministry of Law & Justice.

Dear Sir,

Kindly refer to my letter dated 14th July, 2009 which will
speak for itself.

In view of the matter, I would like to place on your record
that opposition is necessary to be filed against the contents of
application before CAN No: 2133 of 2008 filed by the Ld. Advocate Miss.
Debjani Ghosal.

Further, I would like to place it on your record that the
matter was listed in the peremptory list of cases dated 03rd July, 2009
and 10th July, 2009 of their Lordships The Hon'ble Mr. Surinder Singh
Nijjar, Chief Justice and the Hon'ble Justice Biswanath Samadder instead
of Supplementary list of cases.

Contd.....P/2

V. C. G. J.
S. M. Bose
21/7/09

21/07/09

108

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Tarun Kumar Ghosh

Advocate
High Court, Calcutta

Bar Association
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High Court, Calcutta
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Fax No (033) 2248-2313
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10-A, Dr. Kartick Bose Street,
1st Floor, Kolkata-700009
Phone : 2350-9128 & 2351-2988
Mobile : 9433506066
Visiting Hours : 6 P.M. to 9 P.M.

11/12 ::

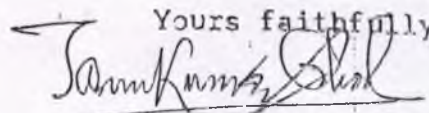
The 21st July, 2009.

The matter was taken up for hearing on 03rd July and 10th July 2009. At the time of its hearing, I myself led by the Ld. Senior Counsel Mr. R.N. Das. appeared on your behalf. The matter was heard. After hearing the Ld. Advocates for the parties, their Lordships directed to be placed the matter again on 20th August 2009 for further hearing.

This is for your record and doing the needful.

Thanking you.

Yours faithfully,


(TARUN KUMAR GHOSH)
Advocate.

21.07.2009

709
258
231
KOLKATA
DISTRICT-HOWRAH

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL JURISDICTION

APPELLATE SIDE

CAN NO. 2133 OF 2008

W.P. NO. 27541 (W) OF 2006

IN THE MATTER OF

An application for addition of parties

IN THE MATTER OF

Sri Ashim Kumar Ganguly & Anr

.....PETITIONERS

Verus

The Union of Ind

.....RESPONDENTS

2

(110)

259/
237

IN THE MATTER OF

1. Sri Surajit Dasgupta, son of Late

Jatindra Mohan Dasgupta, by

occupation business, resident of

25/1, Guruprasad Chowdhury Lane,

P.S. Amherst Street, Kolkata-700 006

2. Shri Keshav Bhattacharjee, Advocate

son of *Late Basudev Bhattacharjee*

Bhattacharjee, Bar Association, Room

No. 4, High Court Calcutta;

3. Sri Nandalal Chakraborty, by

occupation, Head of the Department

of Political Science, Presidency

College, resident of 559/1, Dakshin

3

(111)

2-66
733

Dari Road, P.S. lake Town, Kolkata-

700 048

4. Dr. Madhusudan Pal, by occupation

Assistant Professor, Calcutta Medical

College Hospital, resident of A/5/2,

Sharabani Abashan, Salt Lake, Sec-

III, Kolkata-700 009.

5. Sri Tarun Kumar Mukherjee son of

Late Gobindalal Mukherjee, resident

of 2/1, Brindaban Mullick 1st Lane,

P.S.- Amherst Street, Kolkata- 700

009.

6. Sri Jagatjit Dasgupta son of Late

Jatindra Mohan Dasgupta, resident of

4

(12)

287
234

25/1 Guruprosad Chowdhury Lane,

P.S.- Amherst Street, Kolkata-700

006.

7. Sri Kusal Sankar Chowdhury son of

Chowdhury, resident of 32 B, Justice

Manmatha Mukherjee Row, P.S. -

Amherst Street, Kolkata-700 009.

8. Shri Siddheshwar Bhattacharjee,

resident of Hatepara " Matri Bhavan",

P.O. Krishnnagar, Pin Code- 741 104,

District- Nadia

9. Shri Sunil Krishna Gupta, resident of

38, Vic r Street, P. r Street

Street, l a- 70 009

.....APPLICANTS

113

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235

5

To the Hon'ble Surri : : : : : jar, the Chief Justice and his

Companion of Justice : : : : : Hon'ble Court

ne humble petition of the above-name

petitioners

Most Respectfully

1. The Applicants : : : : : of India and a part of the public of India.

The Applicants : : : : : occasions have also espoused cause of the

people in : : : : : capacity on the subject "Netaji Subhas

Chandra Bose" : : : : : herein below. The people at large from

all corner of : : : : : including West Bengal have encouraged and

requested the : : : : : to espouse the cause on the subject "Netaji

Subhas Chandra Bose" to prevent mischievous role played by the

respondent, : : : : : of India and others in unleashing mis

formation against Subhas Chandra Bose, as such the Applicants

are moving : : : : : application for addition of parties.

(114)

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231

2. The Applicants have voluntarily engaged themselves in research work on the life of Subhas Chandra Bose for more than last 25 years at their cost and sacrifice. The applicants moved before the Hon'ble Supreme Court of India, under Article 32 of the Constitution of India, challenging the conferment of the "Posthumous Bharat Ratna" award to Subhas Chandra Bose. The Division Bench consisting of the Hon'ble Justice Sujata. V. Monohar and the Hon'ble Justice G.B. Pillai, upon hearing at length cancelled the said "posthumous" award.

The applicants have filed a Writ Petition, as a Public Interest Litigation through one of their associate before the Hon'ble Calcutta High Court, being W.P. No. 281 of 1998 praying inter alia for constitution to set up a Commission of Inquiry to give a clinching finding on the mysterious disappearance of Netaji Subhas Chandra Bose. The Hon'ble Division Bench consisting of the Hon'ble Chief Justice Prabha Sankar Mishra (as his Lordship) and the Hon'ble Justice Bhaskar

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Bhattacharyya directed the Government of India to set up an Inquiry Commission to the clinching findings on the mysterious disappearance of Netaji Subhas Chandra Bose. The Government of India was compelled to set up such Inquiry Commission by appointing a retired judge of the Hon'ble Supreme Court, Justice Manoj Kumar Mukherjee as Chairman of the Commission.

3. The applicant appeared before the Justice Mukherjee Commission of Inquiry on the mysterious disappearance of Netaji Subhas Chandra Bose and has submitted volume of documents, which have been obtained from National Archives as well as from foreign countries which are authentic and genuine and the commission has relied upon the statement and the documents filed by the applicants, with much appreciation which were admitted by the Government of India.

(T16)

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4. That the applicants are working with an object inter alia to preach, promote and propagate the great humanistic ideals, thoughts and spirit of Netaji Subhas Chandra Bose in the making of modern India among the people at large and also to eradicate misinformed campaign for distortion of history.

5. The applicants have sufficient interest in the subject matter, as they have carried out extensive research work on the subject matter of mysterious disappearance of Netaji Subhas Chandra Bose and came across several important secret documents which could unfold the mystery of Netaji's disappearance.

6. The only mislaid document to establish the alleged death of Netaji Subhas Chandra Bose is Death certificate and cremation permit in Japanese language which on translation appears to be a death certificate of Ichiro Okuro

(112)

2-68
239

-9-

7. The Government till date never disclosed their stand that it has any reason to establish that Netaji Subhas Chandra Bose died in the plane crash on August 18, 1945 and the ashes kept in the temple are that of Netaji Subhas Chandra Bose. On the contrary, Learned Senior Counsel of the Government of India made an unambiguous submission before the Division Bench of Hon'ble court to the effect that;

" the Government of India has been maintained and is maintaining that a further /fresh enquiry /prove is required and the information that Netaji died in the plane crash on August 18, 1945 is full of loopholes, contradictions and therefore inconclusive."

10 - (118) 5.87 2nd

The above mentioned communications of the Learned senior Counsel
for the Government of India has been reported in AIR 1999
Calcutta-9

8. The document in category marked as top secret
records maintained by the Government of India reveals as follows:-

i) File No. 1118/57 PM

A secret letter of Shri M.O Mathai dated 2/12/1954
communicated to the Joint Secretary (AD), Government of
India to the effect;

"A sum of Rs. 200/- and odd was received by
the Minister of External Affairs from our Embassy in
Tokyo along with the ashes and other remains of the
Late Shri Chandra Bose".

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It is contended that the ashes initially kept in the Renkoji Temple have been taken back to India, possibly the genuineness of the ashes was doubtful. The ashes now kept in the Renkoji Temple are not the alleged ashes of Netaji Subhas Chandra Bose.

ii) Parliamentary Handling Records

The then Prime Minister Shri Moraji Desai on 28th August, 1978 on the floor of the Parliament declared that;

There have been two enquires into the report of the death of Netaji Subhas Chandra Bose in the air-crash on 18th August 1945 at Tachikawa airfield during his air-journey to Manchuria, one by a committee presided over by Major-General Shah Naukha and the second by a one-man Commission of Inquiry headed by Shri C.D. Khosla, retired Judge of the Punjab High Court. The Majority report of the first Committee

-12-

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242

and S. ... hold the report of the death as true. Since then, ... doubts have been cast on the correctness of the ... reached in the two reports and various important contradictions in the testimony of witnesses have been ... further contemporary official documentary records ... become available. In the light of those doubts ... contradictions and those records, Government find it difficult to ... that the earlier conclusions are decisive

iii) File ... /1/90-Pol

A note of ... Shankar, the Director of Prime Minister's Office dated ... August 1990, on the proposal of Mr. Shanti Lal Patel a member of Parliament for bringing back the alleged ashes from ... to India states inter alia that:-

... S.C. Bose again wrote to Prime Minister

Smt. Indira Gandhi saying that there was no convincing

13- (121) 270 243
proof that the so-called ashes were genuine. In view of

this, Government of India did not treat the findings as

conclusive and did not bring back the ashes to India.

The ashes have been lying in Japan since 1945. The

Government of India provides an annual grant of

maintenance of the temple"

iv) File No. 111/1951/Vol-2(LW-KW)

The first Secretary, Indian Embassy Tokyo, T.N. Kaul in his
note dated 20.7.1951 stated inter alia,

"My impression is that while Government of India has

accepted the fact of Netaji's death, we haven't

necessarily accepted that the ashes in the Renkoji

Temple are his ashes"

In the statement Shri T.N. Kaul raised an interesting
question:

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14-

"While we accept Netaji's Death, do we accept these
ashes as the real ones"

v) File No. 7111/1956 Vol-2(LW-KW):

Shri A.K. Das, Minister of Finance, Government of India in
his note dated 13.12.1956 stated :-

"Without in any way committing ourselves to the identity
of the ashes, we could recompense the priest and the
temple by a monetary Grant which wouldn't be for the
custody of ashes but as a reward for their non-standing
loyalty to India"

Shri Das in his said note further stated that:-

... "Even if it finally transpires that the ashes
aren't genuine, still this amount would in no-way be an
excessive expenditure"

15 - 123 245
vi) File No. 11/11/11 Vol-2(LW-KW)

An official note dated 10/12/1966 issued under the signature of Shri V. Chidambaram, Director (Finance), Government of India stated:

"But the expenditure has not been pronounced genuine, one has to find justification for incurring the expenditure on their trip abroad...In any case if the purpose of the expenditure is not to be disclosed, which, I presume is the intention, it can be made only from discretionary grants of this Ministry."

vii) File No. 11/11/11 Vol-2(LW-KW):

An official note dated 06/12/1973 issued by Shri P.K. Budhwar, Secretary, Ministry of External Affairs (East

Asia Division referring to Muchizuki's statement that he was a servant of the Netaji and people who brought the ashes was satisfied.

"A further enquiry of this nature could throw doubt on the authenticity of these ashes & it is, therefore, for consideration whether we should continue making such payments in respect of an item whose authenticity would also be thrown in some doubt."

Viii) 12(3)/98-NGO

The above mentioned file contents are top secret internal note on the subject "Return of Netaji's ashes to India" under the signature of P. Chukla, Joint Secretary (P) dated 1st April, 1998 in the following effect that;

"The matter was discussed again in the Cabinet on 8 February, 1995 and it was decided that the ashes would not

17- (125) 217

be brought to the attention of the Government of India for the present but that the dependability of the arrangements in Japan should be examined. It was also felt that we could raise our annual contribution from Y 600,000 to Y 1 million."

9. Applicants asked that the above-mentioned secret documents are maintained in the files of the government of India and those files were produced before the Hon'ble Justice Mukherjee Commission of Enquiry. The applicants have gone through the contents of those files and taken note of.

10. The applicants stated that the Official notes contained in those secret files stated that the ashes kept in the Renkoji Temple are not genuine and that the Government of India incurring huge fund from public money for an oblique purpose to mislead the people of the country which is mala fide, unfair and illegal, as

such, the Government should be prevented from incurring such expenditure from the Public Exchequer.

11. The applicants submit that they have researched the subject matter and collected above-mentioned information along with many other which will enable this Hon'ble Court to fully and completely to adjudicate upon and settle all the questions involved in the writ application, as such, the applicants are not desirous party to be added to the writ petition.

12. The applicants submit that they are very much interested in this subject matter involved in the writ petition being filed by them in W of 2006 and intend to place all the relevant documents in connection with the subject matter involved in the said writ petition.

127

291

13.

Unless the applicants are added as party to the writ petition No. 27541(W) of 2006, the cause and purpose of the writ petition shall be prejudicially affected.

14. The instant application is made bonafide and for the interest of the justice.

Under the facts and circumstances

stated above your applicants most

humbly pray that your Lordships

may graciously be pleased to allow

this application for addition of

parties by directing the petitioners

to add the applicants as party

128

250

performa respondents in the writ
petition being W.P. No. 27541(W)
of 2006;

And such other or further order or
orders as to your Lordships may
seem fit and proper for the ends of
justice.

(129)

278
751

surajit Dasgupta, son of Late Brahma Mohan Dasgupta, aged about 51 years by occupation business, resident of 25/1, Guruprasad Chowdhury Lane, P.S. Amherst Street, Kolkata - 700006 do hereby solemnly affirm and say as follows;

1. That I am the petitioner and am well acquainted with the facts and circumstances of the case and I have been duly authorized by the other petitioners to affirm the affidavit on their behalf, as such, I am competent to affirm this affidavit.
2. The statement made in paragraphs 1,2,3,4,5,6,7,8,9 and 10 are true to my knowledge on the information derived from the records which I venture to be true and those made in paragraphs 11,12,13 are my humble submissions before this Hon'ble court.

Prepared in my office

sa
Advocate

sd
Deponent is known and

identified by me

sd
Advocate

Subscribed and sworn before me

(Signature) day of March, 2008

COMMISSIONER

(130)

252

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

Appellate Side

W.P. No 27541, of 2006

CAN 2133 of 2008

In the matter of:

an application under Article 226 of the
Constitution of India:

And

In the matter of:

application for addition of parties

And

In the matter of:

Shri Ashim Kumar Ganguly & Ors

.....Petitioners

Versus

Union of India & Ors

.....Respondents

And

In the matter of:

Shri Surajit Dasgupta and Ors

Applicants

APPLICATION

Miss Debjani Ghosal Advocate

Bar Association Room No.2

High Court, Calcutta

Room No. 20B,

10 Old Post Office Street,

(56) (131)

No. 12014 / 14 / 09 -Cdn
Government of India
Ministry of Home Affairs
I S Division : Cdn Section

आर. सं. 15.58/2009
Dy. No. 11/8
NGO/200

9th Floor, Lok Nayak Bhawan,
Khan Market, New Delhi.

Dated, the 6th August, 2009.

To

**Shri Sobran Lal Verma,
Subhash Ashram,
Village and Post Office Mirzapur,
Sitapur,
Uttar Pradesh.**

Subject: Application under RTI – Information relating to Netaji Subhash Chandra Bose - regarding.

Sir,

In continuation of this Ministry's Letter of even number dated 28th July, 2009 on the above mentioned subject, I write to say that the Ministry of External Affairs has furnished the following information in respect of point No. 1 and 4:-

Point No. 1:

Netaji's name did not figure in any of the UN lists of war criminals and therefore, the question of accepting or considering him as international war criminal simply does not arise.

Point No. 4:

There is no information available in Ministry of External Affairs that any warrant had been issued to arrest Netaji Subhas Chandra Bose.

Yours faithfully,

[Signature]

(S K Malhotra)

Deputy Secretary / CPIO to the Govt. of India

2469 7124

Copy to : 1) Shri S K Bhatnagar, DS / CPIO, RTI Section, MHA, North Block, New Delhi for information.

✓ 2) Shri Pardeep Kumar, Section Officer (NGO), Ministry of External Affairs, South Block, New Delhi.

[Signature]

(S K Malhotra)

Deputy Secretary / CPIO to the Govt. of India

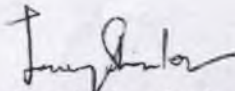
1
10/8
S K MHA-O.V

(5) 132

Ministry of External Affairs
NGO Section

Reference Ministry of Home Affairs' letter no. 12014/4/2008-Cdn dated 13.4.2009 regarding transfer of records to National Archives of India of the defunct Justice Mukherjee Commission.

2. It is for the information of Ministry of Home Affairs that the matter is being examined in this Ministry which would revert as soon as a decision is taken by the Competent Authority.


(Tanuj Shankar)
Section Officer (NGO)

Ministry of Home Affairs, IS-II Division: Cdn Section, 9th Floor, Lok Nayak Bhawan, Khan Market, New Delhi (Attn: Shri Amar Chand. Under Secy.)
Ministry of External Affairs, U.O. No. 25/4/NGO-XVI dt.04.8.2009

Dr. J. S. Mehta
8
4/8/09

Ministry of Home Affairs
IS-II Division
Cdn. Section

133
सं. 1499... दि. 3.7.2009
Dy. No. 3/8
NGO/200

Subject: Transfer of records to National Archives of India of the
defunct Justice Mukherjee Commission.

Ministry of External Affairs may kindly refer to their
U.O.No.25/4/NGO-Vol.XVI dt.23.7.09 on the subject mentioned
above.

Our earlier communication dated 13th April 2009 is enclosed
as desired.

Amar Chand
(Amar Chand)

Under Secretary to the Govt. of India

Ministry of External Affairs, NGO Section, South Block New Delhi.
MHA U.O.No.12014/ 4/2008-Cdn. dt.31.7.09

So(NGO-I)
P. S. S. S.
7
2/8/09
S. M. H.

134

121

No. 12014 / 4 / 2008 – Cdn
Government of India
Ministry of Home Affairs
I S-II Division: Cdn Section

9th Floor, Lok Nayak Bhawan,
Khan Market, New Delhi.

Dated, the 13th April, 2009.

To,

P.R. 64109
The Secretary,
Ministry of External Affairs,
South Block,
New Delhi.

**Subject: Transfer of records to National Achieves of India of the
defunct Justice Mukherjee Commission**

Sir,

I am to state that Government of India had set up a Commission Headed by Justice M.K. Mukherjee, retired Judge of the Supreme Court on 14th May, 1999 to inquire into all the facts and circumstances related to the disappearance of Netaji Subhash Chandra Bose in 1945 and subsequent developments connected therewith. The Commission submitted its report in Nov, 2005. During this period, the Commission obtained a number of records from the various organizations. A list of such records obtained from your office is enclosed.

2. The above records have been appraised by National Achieves of India and recommended for sending to them for permanent retention. However, before the above records are transferred to National Achieves of India, New Delhi, you are requested to send us your permission / concurrence immediately. It may please be noted that after these records are transferred to National Achieves, the same will fall in the public domain, for access by general public as per procedure of National Achieves of India.

Yours faithfully,

Amar Chand

(Amar Chand)
Under Secretary to the Government of India
Tele No. 2461 0466

Encl : As Stated.

138

Bundle - 24

38

PHOTOCOPIES OF DOCUMENTS OF THE OFFICE OF THE
MINISTRY OF EXTERNAL AFFAIRS, GOVT. OF INDIA

<u>Sl. No.</u>	<u>Description of Documents</u>	<u>Received from</u>
1.	File No.25/4/NGO - Vol. V (K.W.I) Pages 1 to 267	M.E.A.
2.	File No.25/4/NGO - Vol. V (K.W.II) Pages 1 to 43	M.E.A.
3.	File No.25/4/NGO - Vol. V (K.W.III) Pages 1 to 179	M.E.A.
4.	File No.25/4/NGO - Vol. V (K.W.I, K.W.II, K.W.III) Pages 1 to 129	M.E.A.
5.	File No.25/4/NGO - Vol. IV (L.W. - K.W.I) Pages 1 to 154	M.E.A.
6.	File No.25/4/NGO - Vol. IV (K.W. I) Pages 1 to 45	M.E.A.
7.	File No.25/4/NGO - Vol. III (L.W.) Pages 1 to 334	M.E.A.
8.	File No.25/4/NGO - Vol. III (Annexure) Pages 1 to 14	M.E.A.
9.	File No.25/4/NGO - Vol. II (K.W.) Pages 1 to 11	M.E.A.
10.	File No.25/4/NGO - Vol. II (L.W. - K.W.) Pages 1 to 205	M.E.A.
11.	File No.25/4/NGO - Vol. I Pages 1 to 169	M.E.A.
12.	File No.25/13/NGO-52 (L.W. - K.W.) Pages 1 to 45	M.E.A.
13.	File No.25/13/NGO-52 (K.W.) Pages 1 to 10	M.E.A.
14.	File No.25/14/NGO-52 Pages 1 to 21	M.E.A.
15.	File No.25/15/NGO-52 Pages 1 to 21	M.E.A.
16.	File No.25/16/NGO-52 Pages 1 to 28.	M.E.A.

136

Bundle-26

ORIGINAL FILES OF THE OFFICE OF THE MINISTRY OF
EXTERNAL AFFAIRS, GOVERNMENT OF INDIA

Sl.No. | Description of Documents | Received from

13/3/5 ✓
1 Evidence of the Witnesses M.E.A.
before Netaji Inquiry
Committee, 194 1956
Netaji Inquiry Committee M.E.A.
Report (Evidences of Witnesses),
1956.
(Report from the Japanese Govt.)

10108/FS/09
31/07/09

53

2082
Dy. No. 03/58
Date

137

No. 12014 / 4 / 2008 – Cdn
Government of India
Ministry of Home Affairs
I S-II Division: Cdn Section

उपरी सं. 1499/म.स.ओ./2009
Dy. No. 4/8
Rtts/Dated

9th Floor, Lok Nayak Bhawan,
Khan Market, New Delhi.

Dated, the 30th July, 2009.

To,

The Secretary,
Ministry of External Affairs,
South Block,
New Delhi.

**Subject: Transfer of records to National Achieves of India of the
defunct Justice Mukherjee Commission**

Sir,

I am directed to refer to this Ministry's letter of even number dated 13th April, 2009 and 8th July, 2009 on the subject mentioned above and to request that the concurrence of the Ministry of External Affairs is still awaited, which may kindly be expedited so that the records may be transferred to the National Achieves of India as per their recommendations. Incidentally, it may be mentioned here that the above course of action has also been approved by Home Secretary.

Yours faithfully,

Amar Chand

(Amar Chand)

Under Secretary to the Government of India

May pls. see for n.a.

Pw
1/8/9

~~JS (CNV)~~

I see no difficulty in
agreement with this
file with Mr. - informally
10/8/9

SO (NGO)

1/8/9 On MH

Discussed with JS (CNV).
He examined the file
regarding feasibility of sending
the documents
On MH
1/8/9

(138)

52

RTI MATTER
MOST IMMEDIATE

MINISTRY OF EXTERNAL AFFAIRS
(CNV DIVISION)

.....

Kindly refer to your endorsement No.I/12014/14/2009-Cdn, dated 27th July 2009, and No.I/12014/14/2009-Cdn of 28th July 2009, concerning information sought by S/Shri Sobran Lal Verma and Ramsharan Verma under the Right to Information Act, 2005.

The information available with this Ministry on the subject is as follows:

- 1) Netaji's name did not figure in any of the UN lists of war criminals and therefore, the question of accepting or considering him as international war criminal simply does not arise.
- 2) There is no information available in this Ministry that any warrant had been issued to arrest Netaji Subhas Chandra Bose.

As the Ministry of Home Affairs is the nodal Ministry for all the matters pertaining to Netaji Subhas Chandra Bose, the information may please be suitably conveyed to the applicants.

Pardeep Kumar
(Pardeep Kumar)
Section Officer(NGO)

S/K

Ministry of Home Affairs, Lok Nayak Bhavan, New Delhi.
(Shri S.K. Malhotra, Deputy Secretary, Internal Security Division)

MEA u.o.No.25/4/NGO-XVI dated 31st July, 2009.

Shri S.K. Malhotra
31/7/09

(51)

139

Dy. No. 2023 IJS (CNV)/2009
Date 28/6/2009
संख्या सं० 1467 एन.जी.ओ./2009
Dy. No. RGO/200
दिनांक/Dated 29/7

**No.1/ 12014/14/2009-Cdn.
Ministry of Home Affairs
Internal Security Division-II**

9th Floor, 'C' Wing,
Lok Nayak Bhawan,
New Delhi, the 27th July, 2009.

To

**Shri Sobran Lal Verma
Subhash Ashram,
Village and Post Office Mirzapur
Sitapur,
Uttar Pradesh.**

Subject: Application under RTI- Information related to Netaji
Subhash Chandra Bose.

Sir,

Please refer to your application dated 24.06.2009 (received on 8.07.2009) on the above subject. This Division of MHA is concerned with Question No. 3. In this connection the Ministry of Home Affairs has already made public the report of Mukherjee Commission on Netaji Subhash Chander Bose on 17.5.2006 by laying the same on the table of the both Houses of Parliament.

The information asked by you in respect of remaining questions relates to other Divisions/Ministry who are being requested to provide you the information as under:

Question No. 1 & 4

Ministry of External Affairs
Shri L.D.Ralte
Joint Secretary(CN& V)
South Block, New Delhi.

28/7/09
so (CNV)
28/7/09
MH
Copy:-
Question No. 2

Ministry of Culture,
Shri Sudesh Kumar,
Deputy Secretary(C&M Section)
Shastri Bhawan, New Delhi.

(S.K.Malhotra)
Deputy Secretary to the Govt. of India

Copy:-

Copy alongwith a copy of letter dated 24.6.2009 received from Shri Sobran Lal Verma forwarded to

- (i) ✓ Shri L.D. Ralte, Joint Secretary (CN&V), MEA, South Block, New Delhi for necessary action.
- (ii) Shri Sudesh Kumar, Deputy Secretary(C&M Section), Ministry of Culture, Shastri Bhawan, New Delhi for necessary action.
- (iii) Shri S.K.Bhatnagar, Deputy Secretary & CPIO, North Block, New Delhi for information.

[Signature]

(S.K.Malhotra)

Deputy Secretary to the Govt. of India

(141)

DRA-313/RT.1/89
24/06/09सेवा में, सचिव

गृह मंत्रालय

यूनियन गवर्मेन्ट ऑफ इण्डिया

नई दिल्ली

विषय :- प्रार्थना पत्र अन्तर्गत धारा 6(1) सूचना का नियम सन् 2005

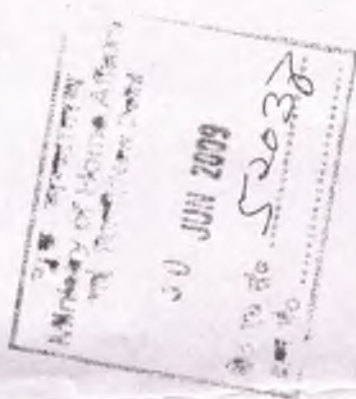
महोदय,

निम्न सूचनायें वांछित,

1. यह कि क्या भारत सरकार नेजा जी सुभाष चन्द्र बोस को अन्तर राष्ट्रीय युद्ध अपराधी स्वीकार करती है, यदि हाँ तो किस आधार पर।
2. यह कि क्या भारत की आजादी की लड़ाई में नेता जी सुभाष चन्द्र बोस का भी कोई योगदान रहा है यदि हाँ तो उसका अभिलेखीय प्रमाणिक विवरण क्या है? तिथिवार बताये?
3. यह कि नेता जी सुभाष चन्द्र बोस की सदिग्ध मृत्यु के बारे में गठित न्यायमूर्ति एम0के0 मुखर्जी आयोग द्वारा प्रस्तुत रिपोर्ट को सार्वजनिक करना क्या संविधान के विरुद्ध है यदि नहीं तो अब तक किस आधार पर सार्वजनिक नहीं किया गया?
4. यह कि क्या नेता जी सुभाष चन्द्र बोस की गिरफ्तारी का कोई वारण्ट जारी है, यदि हाँ तो वारण्ट किस कानून के तहत है तथा किस तिथि को जारी है, इस वारण्ट पर अब तक क्या - क्या कार्यवाही हुई है तिथिवार बताये? तथा यह भी बताये कि इस वारण्ट पर हस्ताक्षर करने वाले अधिकारी का नाम व उसका पद क्या है?

सूचना शुल्क हेतु भारतीय पोस्ट आर्डर सं0 - 38सी143113 तथा 38सी143114 दिनांक 24.06.2009 मूल रूप से संलग्न है।

दिनांक : 24.06.2009



आवेदक

सोबरन लाल वर्मा

(सोबरन लाल वर्मा)

सुभाष आश्रम

ग्राम व पोस्ट मिर्जापुर

सीतापुर (उ0प्र0)

Shri S. L. ...
24/06/09
Sent 13

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14/7/09
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**No.I/ 12014/9/2009-Cdn.
Ministry of Home Affairs
Internal Security Division-II**

**9th Floor, 'C' Wing,
Lok Nayak Bhawan,
New Delhi, the 28th July, 2009.**

To

**Shri Ramsharan Verma
Netaji Subhash Shishu Shiksha Niketan,
Netaji Subhash Nagar, (Begambagh)
Panchvati, Sitapur,
Uttar Pradesh.**

Subject: Application under RTI- Information related to Netaji
Subhash Chandra Bose.

Sir,

Please refer to your application dated 1.06.2009 (received on 15.06.2009) on the above subject. This Division of MHA is concerned with Question No. 3. In this connection the Ministry of Home Affairs has already made public the report of Mukherjee Commission on Netaji Subhash Chander Bose on 17.5.2006 by laying the same on the table of the both Houses of Parliament.

2. The information asked by you in respect of remaining questions relates to other Divisions/Ministry who are being requested to provide you the information as under:

Question No. 1& 4

Ministry of External Affairs
Shri L.D.Ralte
Joint Secretary(CN& V)
South Block, New Delhi.

Question No. 2

Ministry of Culture,
Shri Sudesh Kumar,
Deputy Secretary(C&M Section)
Shastri Bhawan, New Delhi.

3. Appeal against this letter can be made to Shri Lokesh Jha, Joint Secretary (IS-II), 9th Floor, C Wing, Lok Nayak Bhawan, Khan Market, New Delhi-110003.


(S.K.Malhotra)
Deputy Secretary to the Govt. of India

143

Copy:-

Copy alongwith a copy of letter dated 1.6.2009 received from Shri Ramsharan Verma forwarded to

- (i) Shri L.D. Ralte, Joint Secretary (CN&V), MEA, South Block, New Delhi for necessary action.
- (ii) Shri Sudesh Kumar, Deputy Secretary(C&M Section), Ministry of Culture, Shastri Bhawan, New Delhi for necessary action.
- (iii) Shri Amit Aggarwal, Director and CPIO, PM Office, South Block New Delhi for information.



(S.K.Malhotra)
Deputy Secretary to the Govt. of India

विदेश शास्त्र

(नकल के)

विदेश भारत

144

991/09

URGENT	
DIRECT	
Priority No.	1328
Date	05/06/09
For (Personal)	10/06/09

सेवा में

रजिस्टर्ड एड्रेस

सचिव,
प्रधान मंत्री कार्यालय,
भारत सरकार, नई दिल्ली।

प्रार्थना एवं अंतर्गत धारा 38(1) सूचना का नियम

क्र. 2005 :-

नवीन

निम्न सूचनाएँ जारी :-

§ 13

100

Public Section 121

1576

SECRET

§ 33

144

§ 43

140 R

- 5 JUN 2009

DECLASSIFICATION

यह कि क्या भारत सरकार नेता जी सुभाष चन्द्र बोस को अन्तर-राष्ट्रीय पुरस्कारों से स्वाकार करती है। यदि हाँ तो किस आधार पर ?

यह कि क्या भारत की आजादी की लड़ाई में नेता जी सुभाष चन्द्र बोस का भी कोई योगदान रहा है यदि हाँ तो उसका अभिलेखापीय प्रमाणिक क विवरण क्या है? तिथिवार बतायें ?

यह कि नेता जी सुभाष चन्द्र बोस को सेविन्धा मृत्यु के बारे में प्रतिन्यायपूर्ति एमके0 सुजाजी द्वारा प्रस्तुत रिपोर्ट को सार्वजनिक करना क्या संवधान के विरुद्ध है यदि नहीं तो अब तक किस आधार पर सार्वजनिक नहीं किया गया ?

यह कि क्या नेता जी सुभाष चन्द्र बोस को गिरफ्तारों का कोई वारण्ट जारी है यदि हाँ तो वारण्ट किस कानूननुसार है तथा किस तिथि को जारी है इस वारण्ट पर अब तक क्या-क्या कार्यवाही हुई है तिथि वार बतायें ? तथा यह भी बतायें कि इस वारण्ट पर हस्ताक्षर करने वाले अधिकारी का नाम व उसका पद क्या है ?

सूचना गुरुत्व हेतु भारतीय पोस्ट ऑर्डर सं0-38सी144894 व 38सी 144895 दिनांक 20-5-09 को हथ से संलग्न है।

दिनांक- 01-06- 2009

1280571

राज्यपाल श्री सुभाष बोस तथा
सं. संस्थापक, नेता जी सुभाष विद्या
शिक्षा निगम, नेता जी सुभाष
नगर, 1 बेगमबाग संववटी, लोहापुर
3070

499 145

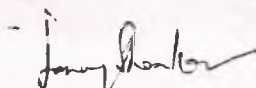
Ministry of External Affairs
NGO Section

Subject: Transfer of records to National Archives of India of the defunct Justice Mukherjee Commission.

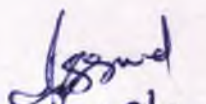
Ministry of Home Affairs (MHA) may kindly refer to their letter no. 12014/4/2008 dated 8th July 2009 on the subject mentioned above.

2. It has been checked from the records that MHA's earlier communication on the subject dated 13th April 2009 mentioned in its letter under reference has not been received in the Ministry.

3. Grateful if the same is sent to us at the earliest to enable appropriate action at our end.


(Tanuj Shankar)
Section Officer (NGO)

Ministry of Home Affairs IS-II Division: Cdn Section, 9th Floor Lok Nayak
Bhawan, Khan Market, New Delhi (Attn: Shri Amar Chand, Under Secretary)
Ministry of External Affairs U.O. No. 25/4/NGO-Vol.XVI dt. 23.7.2009


23/7

6456/Secy(CNV)/09
14/07

(T46)

9331/154
17/2

5302/Secy(E)/09
13/07

Dy. No. 1954/JS (CNV)/200
Date 22/7/09

No. 12014 / 4 / 2008 – Cdn
Government of India
Ministry of Home Affairs
I S-II Division: Cdn Section

3848/JS(EA)/18/2007

9th Floor, Lok Nayak Bhawan,
Khan Market, New Delhi.

Dated, the 8th July, 2009.

To,

The Secretary,
Ministry of External Affairs,
South Block,
New Delhi.

उपरी सं०...../4.11...../एन.जी.ओ./2009
Dy. No. /NGO/2009
दिनांक/Dated.....23/7.....

**Subject: Transfer of records to National Achieves of India of the
defunct Justice Mukherjee Commission**

Sir,

I am directed to refer to this Ministry's letter of even number dated 13th April, 2009 on the subject mentioned above and to request that the concurrence of the Ministry of External Affairs is still awaited, which may kindly be expedited so that the records may be transferred to the National Achieves of India as per their recommendations. Incidentally, it may be mentioned here that the above course of action has also been approved by Home Secretary.

Yours faithfully,

Amar Chand

(Amar Chand)

Pl. *W. H. H. H. H.* Under Secretary to the Government of India

Secy (W)
F. S. O. 2
14/7

15/7

JS (CNV)
18/7/09

I think CNV may be dealing with this matter.

20.7.2009

JS (CNV)
SO (NGO)
to me.
u
W

405/Dir(EA)/09
21/5 (47)

38/JS(EA)/2009
13/05 142

~~Secret~~
Most Immediate

No. IT-516/Note/FS/2009
Ministry of External Affairs
(Foreign Secretary's Office)

संख्या सं०... 99.2.../फ.जी.ओ./2009
Dy. No. /NGO/2009
दिनांक/Dated... 23/5

...

Reference Telegram No. 01011 dated 12th May 2009 from Indembasssy Tokyo.

FS has minuted:

"Messages?"

P. Verma

(Pranay Verma)
Director (FSO)
12 May, 2009

JS (EA) o.l.

Dir(EA)

Our Ambassador in Tokyo is presenting a wreath with a customary condolence message. Any other message of condolence from here may not be warranted.

P. Verma
18/05/09

Dir (FSO)
14/5/09

JS (EA) o.r.

Hes
20.5.2009

7

Dir(EA) o.r.

P. Verma
21/5/09

US (NGO)

B
22/5/09

Netaji File

AKA
PKC

~~TOP SECRET/SECRET/CONFIDENTIAL~~

148

Under instructions from Director (FSO) Indembassy/
Hicomind/Congendia/Indiadel/Foreign New Delhi Tokyo
Telegram No. 09 (CCB No. 01011) dated 12/5/09
addressed to FS is further distributed/repeated to
JS(FA)

M. i.
SECTION OFFICER (CCB)

JS(FA)

THIS TELEGRAM WILL NOT BE PHOTOCOPIED, QUOTED OR DISTRIBUTED OUTSIDE INDIA
GOVERNMENT DEPARTMENTS OR HEADQUARTERS OR RETRANSMITTED EVEN IN
CIPHER OTHER THAN ONE TIME CIPHER SYSTEM WITHOUT BEING PARAPHRASED

O.T.C.

Telegram

~~SECRET~~

CCB No.01011

IT-36/JS(EA)/2009

From : Indembassy Tokyo

To : Foreign New Delhi

DTG MAY 121635

DTR MAY 121400

YEAR 2009

MOST IMMEDIATE

No.09

डायरी सं. 958 दिनांक 13/05/2009

Dy. No ANGO/200

दिनांक/Date 19/5

Foreign Secretary from Ambassador - PERSONAL.

REV. NICHIKO MOCHIZUKI, Chief Priest of Renkoji Temple, passed away on 9 May. His adopted son, REV. KYOZEN MOCHIZUKI, visited the Embassy this afternoon to convey above and to request customary condolence message and wreath for private wake.

2. REV. KYOZEN MOCHIZUKI informed that at the funeral service to be held in late June, he will announce his assumption of duties as the next Chief Priest of Renkoji. He also shared that it was the last wish of his late father that the ashes can some day be repatriated to India by GOI. Till that transpires, REV. KYOZEN MOCHIZUKI reiterated that he will maintain his predecessor's commitment to look after the ashes.

PM : NSA : JS P PMO : EAM : FS : CAB SECY: JS EA.

Pl. keepm Nao
on Netaji file.

SECTION OFFICER (CCB) 19

BS(D)/07 Cs + 01-08

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SECRET

US(AR-9)

17/5/9

PK9

(45) (150)

RTI MATTER
MOST IMMEDIATE

MINISTRY OF EXTERNAL AFFAIRS
(CNV DIVISION)

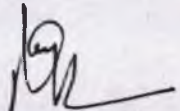
.....

Kindly refer to your endorsement No.12014/9/08-Cdn dated 6th October 2008 regarding information sought by Shri Tajender Pal Tyagi under Right to Information Act, 2005.

The information available with this Ministry is as follows:

- 1) As per information available with this Ministry Netaji's name neither figured in the list of war criminals of UK Government nor in the UN list of war criminals. This was earlier conveyed to the Ministry of Home Affairs vide this Ministry's u.o. No.25/4/NGO-XV dated 29th May 2006.(copy enclosed).
- 2) There is no information available in this Ministry that Orissa High Court had written to this Ministry regarding the removal of name of Netaji from the list of war criminals.

As the Ministry of Home Affairs is the nodal Ministry for all the matters pertaining to Netaji Subhas Chandra Bose, the information to the applicant may please be conveyed by the Ministry of Home Affairs.


(R.K. Kapoor)
Under Secretary(NGO)

OK

Ministry of Home Affairs, Lok Nayak Bhavan, New Delhi.
(Shri S.K. Malhotra, Deputy Secretary & CPIO, Internal Security Division)
MEA u.o.No.25/4/NGO-XVI dated 16th October, 2008.

Joined
3
17/10/08

COPY 134

76

MOST IMMEDIATE

MINISTRY OF EXTERNAL AFFAIRS
(CNV DIVISION)

.....

Kindly refer to your letter No.12014/2/06-NCB-II dated 25th May 2006 regarding Netaji Subhas Chandra Bose.

As per records available with this Ministry Netaji's name neither figured in the list of war criminals of UK Government nor in the UN list of war criminals. Copies of relevant communications in this regards are enclosed herewith.

Since the Ministry of Home Affairs is the nodal Ministry for handling the matters pertaining to Netaji Subhas Chandra Bose, an appropriate reply may be forwarded to concerned State Government.

(R.K. Verma)

Section Officer(NGO)

d/c

Ministry of Home Affairs, New Delhi (Shri Kamal Kishore, Section Officer, Security Division)

MEA u.o.No.25/4/NGO-XV dated 29th May 2006.

31/5

(152) (44)
No. 12014/9/08-Cdn.
Government of India
Ministry of Home Affairs
(Internal Security Division)

3976
Dy. No. .../JS (CNV)/2008
Date 10/10/08

Lok Nayak Bhawan, 9th Floor, 'C' Wing,
Room No. 8, New Delhi dt. 6-10-08

To

Col. Tajender Pal Tyagi,
133-B, Model Town East,
Ghaziabad.

डापरी नं० ३९७६/एन.वी.जे.२००८
Dy. No .../NGO/2008
दिनांक/Date 14/10/08

**Subject: - Information sought by Shri Tajender Pal Tyagi under Right
To Information Act, 2005.**

Sir,

With reference to your application dated 16-5-2008 and in continuation of this Ministry's O.M. No. A-43020/01/2008-RTI dated 3-06-08 on the above mentioned subject the point wise reply of Cdn. Section of IS Division is as under:-

- (1) No information is available with Cdn. Section of IS Division.
- (2) No information is available with Cdn. Section of IS Division.
- (3) The report of Justice Mukherjee Commission contains 683 pages. For obtaining copy of the same, you are requested to send an amount of Rs. 1,366/- (i.e. @ Rs. 2/- per page) by way of bank draft drawn in favour of Pay & Accounts Officer, Ministry of Home Affairs.
- (4) On question (1) & (2) we are requesting Min. of External Affairs and Prime Minister's Officer to send you the information, if any, available with them.

We sincerely regret the delay in responding to your application, which was due administrative reasons beyond our control and apologies.

Yours faithfully,

(S.K. Malhotra)
Deputy Secretary & CPIO

- (1) Copy along with a copy of the application forwarded to (a) Ministry of

P.T.O

(13)
Shri L. D. Ralte,
JS (CNV)
South Block

L. Shri Amit Aggarwal,
Director (PMO),

-2-

✓ External Affairs and (b) Prime Minister's Office with request to provide the confirmation on question No. 1&2 to the applicant, if available with them.

(2) Copy for information to: Shri S.K. Bhatnagar, DS&CPIO, MHA, North Block, New Delhi w.r.t. their O.M. No. A-43020/01/2008-RTI dated 3-06-08.

(S.K. Malhotra)
Deputy Secretary & CPIO



राष्ट्रीय सैनिक संस्था

(देशभक्त नागरिकों और पूर्व सैनिकों का संगठन)

REGN. No. 61 Letter No. 1-42274 (M) Dt. 26th Apr. 2002

Regn. under FCRA IS No. 136810060 dt. 13th Jan. 2006

Exemption under sec. 80(G) of the Income Tax Act is authorised vide 58(35)/Exemption/Ghaziabad/Dt. 17 Oct. 2003

website : www.rashtriyasainiksanstha.org



राष्ट्रीय अध्यक्ष

कर्नल तेजेन्द्र पाल त्यागी, वीर चक्र

133-वा, मॉडल टाऊन पूर्व, गाजियाबाद

फोन नं 0 : 0120-2717031, 9313922889

महासचिव

कैप्टन हरपाल शर्मा

III A-97, नेहरू नगर, गाजियाबाद

फोन नं. - 9899524439

संरक्षक :-

ले. जनरल अनूप एस. जामवाल

09810490054

ले. जनरल वी.एन. शाही

09818898471

ले. जनरल वी.के.एन. छिबेर

0172-3290074

ले. जनरल जे.एम. गर्गा

0121-2439057

श्री हरीश चन्द्रा, आई.एस.

011-22484341

मेजर जनरल ए.जे.बी.जैनी

09810180189

उपाध्यक्ष :-

त्रिगेंडियर वी.एस. चौधरी

2822541

त्रिगेंडियर ए.के. सोनी

0124-2468990

स्वाइन लीडर जे.पी. वर्मा

0120-2780728

एडवोकेट (सार्जेंट) वी.सी.बंसल

951232-260788

कोषाध्यक्ष :-

सूबेदार जयवीर सिंह तेवतिया

01232-250541

मीडिया प्रभारी :-

पत्रकार कुलदीप राय

09818232700

सचिव :-

ले. कर्नल बसन्त कुमार सिंह राणा

0122-2355662

सी.पी.ओ. जयपाल सिंह सोम

09810479955

राजेन्द्र प्रसाद बग़ासी

9312381278

सलाहकार समिति :-

श्री सी.डी. प्रेमी, आई.पी.एस.

09818581718

सूबेदार पी.पी. सिंह

9811204106

संयोजक :-

विरेंद्र त्यागी

9896072187

कैप्टन एस.सी. कौशिक

9412635351

सेवा में,

जन सूचना अधिकारी

Min. of Home Affairs

Lok Nayak Bhawan

New Delhi



विषय : सूचना के अधिकार अधिनियम 2005 के अन्तर्गत प्रार्थना पत्र

महोदय,

कृपया निम्नलिखित सूचनाएं प्रदान करें :-

1. क्या नेता जी सुभाष चन्द्र बोस का नाम मुख्य अपराधियों की सूची में है ?
2. क्या 24-10-1998 को उड़ीसा के उच्च न्यायालय के न्यायाधीश एच.एन. पुरन ने उनका नाम मुख्य अपराधियों की सूची से हटाने के सम्बन्ध में के-ए सरकार को लिखा था ?
3. नेता जी से सम्बन्धित मुख्य अपराधों का प्रयोग की रिपोर्ट की एक प्रति उपलब्ध कराएं। जो भी खर्चा होगा हम तुरन्त भेज देंगे।

इस प्रार्थना पत्र के साथ रु0 10/- का पोस्टल आर्डर नं0 66.E.269137

संलग्न हैं। अगर उपरोक्त सूचना आपके विभाग से सम्बन्धित नहीं है तो कृपया सूचना के अधिकार अधिनियम - 2005 के नियम 6 (3) के प्रावधानों का पालन करें और सूचना के अधिकार अधिनियम - 2005 के तहत ही कृपया अपने जवाब के साथ आपके विभाग के प्रथम अपीलीय अधिकारी का नाम, पद व पते का विवरण भी दें जिससे कि आवश्यकता पड़ने पर प्रथम अपील प्रस्तुत की जा सके।

धन्यवाद,

भवदीय

Teji

16.05.08

Remise 200
Sent to the Sec.
mishra
16/05/08



AMBASSADOR

8972/F5/08
4/9/08

43

By. No. JS (CNV)/800
Date 08/09

भारत का राजदूतावास, टोकियो
EMBASSY OF INDIA
7th Floor, Kojimachi 31 MT Building,
5-7-2 Kojimachi, Chiyoda-Ku,
TOKYO 102-0083
Tel: (81-3) 3265-5036 / 3512-2125
Fax : (81-3) 3262-2301
E-Mail : amb@indembjp.org
S-2234/JS (CNV)/8/8/9



SECRET

TOK/POL/102/04/08

20 August, 2008

Netaji's Ashes – Affidavit of Anand Jairam Murti

Dear Shankar,

This is with reference to my E-grams No. OE-149/Amb/2008 of 19 August and OE-150/Amb/2008 of 20 August, 2008 in connection with the subject mentioned above.

2. Herewith a copy of the Affidavit executed at this Embassy by Shri Anand Jairam Murti on 18 August together with copies of family documents and photographs. These were handed over by an unidentified individual to Shri Sanjay Bhattacharyya, DCM, after the annual Memorial Service for Netaji held at the Renkoji Temple on 18 August, 2008.

3. We have verified that the affidavit was indeed executed at the Embassy. Background of the affidavit, as shared with us by Shri Murti, has already been reported in my E-gram of today.

With best regards,

Yours sincerely,

Hemant.
(H.K. Singh)

Shri Shivshankar Menon,
Foreign Secretary,
Ministry of External Affairs,
South Block, New Delhi.

Affidavit

My uncle, Mungara Rama Murti, who was the chairman of the Territorial Committee of the Indian Independence League and acting disbursing officer on behalf of the Arzi Hukumate Azad Hind in Japan, received the cremated remains, ashes and bones, of Netaji Subhas Chandra Bose from the Imperial Japanese Military Headquarters in Tokyo in September, 1945.

To protect from confiscation and impounding by the Allied Forces, he placed these remains in the custody of a small Buddhist temple – the Renkōji – near his residence and to take extra precaution separated the cremated remains and hid a portion in his home.

My uncle and aunt, Rama and Geeta Murti, went to India in 1953 to report the incident to Prime Minister Jawaharlal Nehru and eventually never returned to Japan.

Since then, a part of Netaji's mortal remains stayed in my home and a part in the now famous Renkōji temple.

My father, Jaya Murti, passed away in 1974 and the urn containing Netaji's cremated remains was kept by my mother, Sujata S. Murti (Atsuko Sakai), in her own room until recently.

I informed Professor Sugata Bose of the above facts soon after the funeral of my aunt, Geeta Murti in Chennai in July, 2005. I stayed in contact with Professor Bose and sent him copies of Netaji's handwritten letters to my uncle, Rama Murti, for inclusion in Volume 12 of the *Netaji's Collected Works*.

Professor Bose informed me of his visit to Japan in early March, 2006. On the afternoon of March 7, 2006, I met him at the Imperial Hotel in Tokyo and brought him to my home. We briefly opened the urn wrapped in white cloth so that Professor Bose could take a look at the contents and then closed and wrapped it up again.

In my presence, my mother unceremoniously handed over the urn containing Netaji's remains to Professor Sugata Bose, who in return expressed his gratitude to my family.

My mother and I joined Professor Sugata Bose on his visit to the Renkōji temple on the morning of March 8, 2006, to pay our homage to the memory of Netaji.

Later that evening, I showed Professor Bose photographs from the family album of my uncle, Rama, my aunt, Geeta, my father Jaya and my mother taken with Habibur Rehman and S. A. Ayer. Copies of these photographs were sent to Professor Bose.

Subsequently, I am happy to be informed that Professor Sugata Bose arrived in Kolkota safely with the mortal remains of Netaji Subhas Chandra Bose.

Jai Hind

Anand Jairam Murti
August 18, 2008, Tokyo

[Signature]

1655/2008
Signed in my presence by MURTI
ANAND JAIRAM
Holder of Republic of India Passport
No. F1492967 Issued on 03.02.2006
TOKYO

Embassy of India takes no
responsibility about the
contents of the affidavit



(Manoj Kumar)
Assistant Consular Officer
Embassy of India, Tokyo

(13) ✓

RE: ORGANISATION OF THE JAPAN TERRITORIAL COMMITTEE
OF THE INDIAN INDEPENDENCE LEAGUE.

Whereas it is necessary to strengthen the organisation of the Japan Territorial Committee of the Indian Independence League, I am dissolving the old Japan Territorial Committee and am appointing the following Committee in its place:

Chairman --- Mr. Ram Murti (of Tokyo)
Secretary --- Mr. G. Ramchand (of Yokohama)
Treasurer --- Mr. D. I. Mahitani (of Yokohama)
Members --- Mr. S. Manghanmal (of Kobe)
 Mr. Gulabrai (of Kobe)
 Mr. B. D. Bhagat (of Kobe)
 Mr. V. J. Patel (of Kobe)
 Mr. S. N. Sen (of Tokyo)
 Mr. D. C. Gupta (of Osaka)

The Chairman ~~XXXXXXXXXXXX~~ of the Japan Territorial Committee is authorised to appoint an Assistant Secretary if he considers it necessary.

In case any vacancy arises among the members of the Territorial Committee, the Chairman of the branch to which the outgoing member belongs will fill up that vacancy.

Sulthan Khan Bora

President

Indian Independence League, East Asia.

Dated Tokyo 16th. November, 1943.

(158)

Re: Elections in the Indian Independence League
Organisation.

In future there will be no elections in the
Indian Independence League Organisation.

The existing Committees will all continue to
function until a reorganisation is required necessary,
for any special reason.

When such reorganisation is deemed necessary, the
matter should be reported to the I.I.L. Headquarters
for necessary instructions.

S. M. Chandra Bose

President, Indian Independence League
, East Asia.

Dated Tokyo, the 16th, Nov. 1943.

21

GENERAL INSTRUCTIONS FOR THE TERRITORIAL
COMMITTEE OF THE INDIAN INDEPENDENCE LEAGUE,
JAPAN.

1. The most important work of the League Branches in Japan will be to collect funds for the Indian Independence League.

For this purpose -- in Tokyo, Yokohama and Osaka, the Chairman, Secretary and Treasurer will constitute a committee for collecting funds.

For collecting funds in Kobe, I am appointing the following Committee: -

1. Chairman of the League Branch
2. Secretary of the League Branch
3. Treasurer of the League Branch
4. Mr. Bhagat
5. Mr. Gokuldas

The Chairman, Secretary and Treasurer of the League Branches should be ~~respective~~ ^{the} the Chairman, Secretary and Treasurer of the respective Committees for collecting funds.

II. All institutions run by Indians -- social, cultural, religious or commercial-- are hereby requested to contribute all surplus funds at their disposal to the fund of the Indian Independence League.

III. Every Indian is hereby called upon to contribute ten percent of his total assets to the fund of the Indian Independence League. All funds raised by the Indian Independence

(160)

GENERAL INSTRUCTIONS FOR THE TERRITORIAL
COMMITTEE OF THE INDIAN INDEPENDENCE LEAGUE,
JAPAN.

1. The most important work of the League Branches in Japan will be to collect funds for the Indian Independence League.

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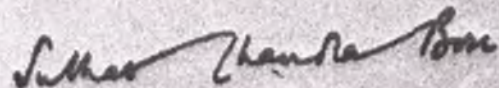
The Chairman, Secretary and Treasurer of the League Branches should be ~~respective~~^{as} the Chairman, Secretary and Treasurer of the respective Committees for collecting funds.

II. All institutions run by Indians -- social, cultural, religious or commercial-- are hereby requested to contribute all surplus funds at their disposal to the fund of the Indian Independence League.

III. Every Indian is hereby called upon to contribute ten percent of his total assets to the fund of the Indian Independence League. All funds raised by the Indian Independence

League in different parts of East Asia will be placed at the disposal of the Provisional Government of Azad Hind. It is, therefore, imperatively necessary to put forward the maximum effort for collecting funds, in accordance with the programme of "total mobilization," which I have placed before my countrymen in East Asia.

IV. Each Branch of the Indian Independence League should open a Headquarters account in a local Bank and despatch to the Indian Independence League Headquarters the funds that are collected by it.



President, Indian Independence League,
East Asia.

Dated Tokyo, the 16th, November 1943.

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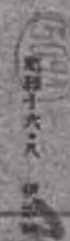
溜込 5

CHAIRMAN INDIAN INDEPENDENCE LEAGUE TAMEIKE
AKASAKA KU TOKYO

印度獨立聯盟
インド・トリクレンゲイ

THANK YOU FOR THE TELEGRAM AND THE AMOUNTS COLLECTED
STOP EXERT YOUR UTMOST IN ALL DIRECTIONS ESPECIALLY
IN THE MATTER OF COLLECTIONS STOP WISH YOU EVERY
SUCCESS SUBHAS CHNDRS BOSE

250



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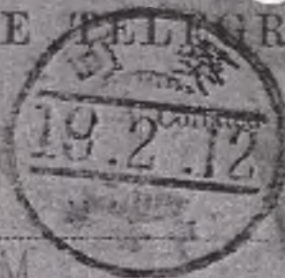
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山王寺元

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INDIAN INDEPENDENCE LEAGUE SANNO HOTEL TOKYO

インド獨立聯盟

TWENTYFIRST DAY EVERY MONTH SHOULD HENCEFORTH BE CELEBRATED
ALL OVER EASTASIA AS PROVINSIONAL GOVERNMENT DAY. STOP
TWENTYFIRST THIS MONTH THERE SHOULD BE ADDITIONAL SPECIAL
CELEBRATION ALL OVER EASTASIA TO COMMEMORATE COMMENCEMENT OF
FREEDOM STRUGGLE BY INDIAN NATIONAL ARMY AND FIRST VICTORY

信第十三號

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8061 GT RANGOON 42 73 24 25

CHAIRMAN INDIAN INDEPENDENCE LEAGUE 5 TAMEIKE
インド独立連盟

AKASAKA KU TOKYO

BELIGHTED AT THE ENTHUSIASTIC SUPPOT OF COMPATRIOTS
IN NIPPON STOP THANK YOU HEARTILY FOR YOUR PATRIOTIC
ACTIVITIES STOP WITH THE UNITED EFFORTS OF INDIANS
IN EAST ASIA WITH THE SUPPORT OF COUNTRYMEN AT HOME
AND WITH THE COOPERATION OF OUR POWERFUL ALLY NIPPON
OUR SUCHESS IS ASSURED STOP REMIT COLLECTED AMOUNT TO
LEAGUE BNGKOK IF POSSIBLE INSTEAD OF SYONAN OR RAGNOON

SUBHAS CHNDRA BOSE

ランソン

1 2S FH

168

✓ (166)

ARZI HUKUMATE AZAD HIND.
(THE PROVISIONAL GOVERNMENT OF FREE INDIA.)

Sri Rama Murthy,
Tokyo.

Juknotha,
29. 11. 44

Sri Hind,

I am enclosing herewith a letter for our cadets which I would like you to ~~deliver~~ deliver to them. We have been detained here owing to bad weather, but are hoping that we shall be able to take off tomorrow. Otherwise there is nothing else to write to you. Hope that the work will go on better now. Don't forget to have the "Printed Prayer" sent to the boys from the General Staff. In case the copies get lost, you may try to get more copies printed there. Otherwise, please inform me and we shall have fresh copies printed in Japan and forwarded from there. Here are a few points which you will have to follow up: -

- a) A small library for the use of the cadets.
- b) National Anthem in its revised form to be distributed to all the League Branches.
- c) Investigate the diet of Indians in Japan and whether there is a case for asking for more rations.
- d) Examine the industrial scheme of Mr. Mehra and draw up a practical scheme for submitting to the General Staff.
- e) Investigate further the bad elements among the Indians with a view to putting the matter up before the authorities.

Planes are always flying from Tokyo to
Syon. If you keep in touch with the proper
quarters, you may be able to send mail frequently
to Syon.

Jai Hind

Sulhas Chandra Bose

P.S.

Please find the copies of all my recent
broadcast speeches to the General Staff
and the Board of Information. Please
tell the ~~Board~~ Board of Information
that I have no objection to their printing
them in the Tokyo press if they so
desire.

SCB

Der Deutsche Botschafter

Tokyo, May 13th, 1945.

Dear Mr. Chairman ,

Deeply touched by the sympathy expressed by yourself on the occasion of Reichsführer Adolf Hitler's heroic death during the battle of Berlin I wish you to accept my sincerest thanks for your personal attendance at the commemorative service on the 9th instant.

Please be assured that I shall always keep in mind this particular token of sympathy towards Germany and me.

I should be particularly grateful to you if you very kindly will remember me to His Excellency the Netaji and assure him of my everlasting friendship, with my best wishes for successful prosecution of his great task of liberating India.

In

Mr. Rama Murti ,
Chairman of the National League
of Free India,

T o k y o .

Confidential

Instructions for Mr. Rama Murti

Until further instructions Mr. Rama Murti, chairman of the Territorial Committee; Indian Independence League, Japan, will act as the disbursing officer on behalf of the Provisional Government of Azad Hind in Japan in respect of funds required for meeting the expenses of the

(I) Broadcasting Station of the Provisional Government of Azad Hind,

(II) Indian Independence League, Japan,

(III) Indian Cadets under training

(A) in the Preparatory School

(B) in the Military Academy

(C) Air Force Training School

(D) Naval Academy

Luther Chandrabose
28/11/44

(150)

ARZI HUKUMATE AZAD HIND
(THE PROVISIONAL GOVERNMENT OF FREE INDIA)

Taiwan (Formosa)

9.12.44

Tai Hind!

We have had rather bad luck this time with the weather; moreover, A cold wave seems to be accompanying us everywhere — and at every aerodrome we have been delayed. That is why we are still on our way. At Shanghai we met Sri A. M. Sahay — he will be going to Tokyo after some time — after his work in China is finished. Please inform Mrs. Sahay ~~after~~ about Sahayji's safe arrival at Shanghai.

I wrote to you from Fukuoka, through a member of the Foreign Office who was returning to Tokyo. Along with that letter, I enclosed a letter from myself to the boys (cadets) — asking you to deliver the letter to them.

A member of the Burmese Embassy is going to Tokyo and I am taking this opportunity of scribbling a few lines to you. Please inform Sri Sivaram about my movements.

I would like to have the Nippon Times and all journals published in English from Japan and China. Please preserve these papers and journals serially and whenever there is an opportunity of sending them ^{any} by messengers, going to Sgan or Rangoon, please seize the opportunity. If you are sufficiently alert, I am sure that you will find many people going from Tokyo to Sgan or Rangoon. You will have to make the right contacts. Moreover, the funeral staff often have people going in that direction by aeroplane. The Thai and Burmese Embassies also have people going. The members of the Thai Embassy

(8)

THE HONORABLE GOVERNMENT OF INDIA
MINISTRY OF EXTERNAL AFFAIRS
NEW DELHI

going to Bangkok can deliver the mail to the
Indian Independence League at Bangkok. The
I. I. L. can then forward the mail from Bangkok
to Rangoon by air - which is easy. I know
the Thai Ambassador very well and I am sure
that the Thai Embassy will gladly help in this
matter.

Hope you are all well. We are all
well.

With all good wishes,

Sai Hmeid

Sukhao Chandra Bora

Sri Rama Nandi

Chairman, Territorial Committee, I. I. L.

Tokyo

Jai Ramaswami
Tokyo

ARZI HUKUMATE AZAD HIND
(THE PROVISIONAL GOVERNMENT OF FREE INDIA)

Saigon
14.12.44

Jai Hind !

I do not know when this letter will reach you. Today Major Abe of the Hikari Kikan is going to Tokyo on a transfer and he is taking with him a bundle of "papas" for our boys. I could not ~~send~~^{send} anything more, because more weight cannot be carried by him.

I am enclosing a cutting from an American Journal - "Nation" - on the Imphal operations. I would like you to send this to H.E. General Tojo on my behalf.

I could not hand over this letter to Major Abe in time, but he is taking the "papas" all right. Lt. Col. Habibullah Rahman has written a forwarding letter to you, along with the "papas", on my behalf.

From Fukuoka, I wrote you a letter and also enclosed a letter for our boys. I hope you got my letter in time and forwarded the letter to the boys.

I am arranging to send some butter from here for our boys from time to time. The difficulty is about finding some one who can carry a parcel. If that could somehow be arranged, then a periodic parcel could easily be sent from Saigon to Tokyo.

I am enclosing a letter for the boys.

Please send me a copy of the radio-talk that I delivered at Tokyo, addressed to America. I think you will find a copy with Mr. Sivaram

or with the Broadcasting people.

If I can manage, I shall send you
copies of the extension speeches that I delivered
at Tokyo. I shall have to sit down and
reproduce them from memory. You can then
bring out these speeches in booklet-form, if
necessary.

On my arrival at Gnan, I shall
expect a message from Tokyo about opening a
Broadcasting station for U.S.A.

Mr. Ayer is on his way to Gnan to
meet me there. I am leaving for Gnan today.
Hope all will turn out well. With all

good wishes

Yours H. d.

S. M. Chandra Bose

(124)

English translation

AMBASCIATA DELLA REPUBBLICA SOCIALE ITALIANA TOKYO, CIAMURRYTALIANAS-XXII

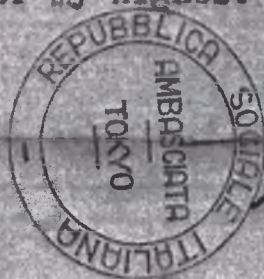
Monsieur le President,

I feel greatly honored in asking you to kindly convey to His Excellency Netaji Subhas Chandra Bose, Head of the Provisional Government of Azad Hind, the following telegram of His Excellency Benito Mussolini, Head of the Government of the Italian Social Republic:

" H. EXC. SUBHAS CHANDRA BOSE
" HEAD OF THE PROVISIONAL GOVERNMENT OF FREE INDIA—
" WHILE CONVEYING MY THANKS TO YOUR EXCELLENCY FOR
" THE GREETINGS THAT YOU HAVE SENT TO ME AND THE
" ITALIAN PEOPLE ON THE RECURRENCE OF THE NEW YEAR
" I BEG YOU TO ACCEPT MY MOST CORDIAL AUSPICES FOR
" YOUR PERSONAL WELFARE AND A HAPPY FUTURE FOR
" INDIA, FREE AT LAST FROM THE OPPRESSION OF OUR
" COMMON ENEMY.

MUSSOLINI"

I avail myself of this opportunity to send to You the expressions of my highest consideration.



The Chargé d'Affaires

Omero Principini
(Col. OMEMO PRINCIPINI)

Mr. M. Rama Murti, President
Indian Independence League,
Nippon Territorial Committee,
5 Tameike, Akasaka-ku,

Most Secret

This cancels previous memoranda

SCBore

28/11/44

Instructions for Mr. Srivaram

1. He will get in touch with the Board of Information, General Staff, Tokio Radio and other authorities concerned and try to get the time allowed for broadcasting increased to one hour. It would be desirable to have a full one hour programmes at one stretch.
2. All broadcasting must be done as from the Broadcasting Station of the Provisional Govt of Azad Hind and not under any other name. (This applies to the present Azad Hind Radio also.)
3. As soon as the increased time is agreed to, full information including additional personnel required will be sent by wire to the Provisional Govt at Rangoon and repeated to the Vice President Indian Independence League, Syonan when necessary arrangements will be made to send the additional personnel required. In the meantime, every effort should be made to ascertain what talent is available locally, so that they may be employed for this work. Selection of additional personal per Tokyo will be made personally by me in Syonan or Rangoon.
4. Although the Budget as proposed has been sanctioned, it should be borne in mind that it is rather on a high scale, e.g. the proposed scale of salaries for the typists,

feeding

feeding charges etc. Therefore, every effort should be made to keep down the expenditure as far as possible.

5. Proper Accounts will be maintained with necessary ledger and vouchers which will be audited once a quarter by a responsible officer, for the present appointed by the Chairman of the Territorial Committee of the Indian Independence League, Japan.
6. Funds for the monthly expenses will be drawn for the present from the Chairman Territorial Committee on the tenth of every month, commencing from December 1944.
7. If it becomes necessary to go to Syonan before the arrival of Sri S.A. Ayer, he will hand over charge of the broadcasting work to Sri Ramamurti.
8. Efforts should be made to start a session for the U.S.A. in the name of the Prov. Govt. of Azad Hind.
9. Selection of personnel from local Indians should be made in consultations with Sri Ramamurti. Care should be taken to avoid any Indians whose political reliability may be open to doubt. For example, at present, reports about Messrs. [REDACTED], [REDACTED] and [REDACTED] -- some of whom have been doing broadcasting work -- are not good.

Sunder Chandra Bose

28.11.44

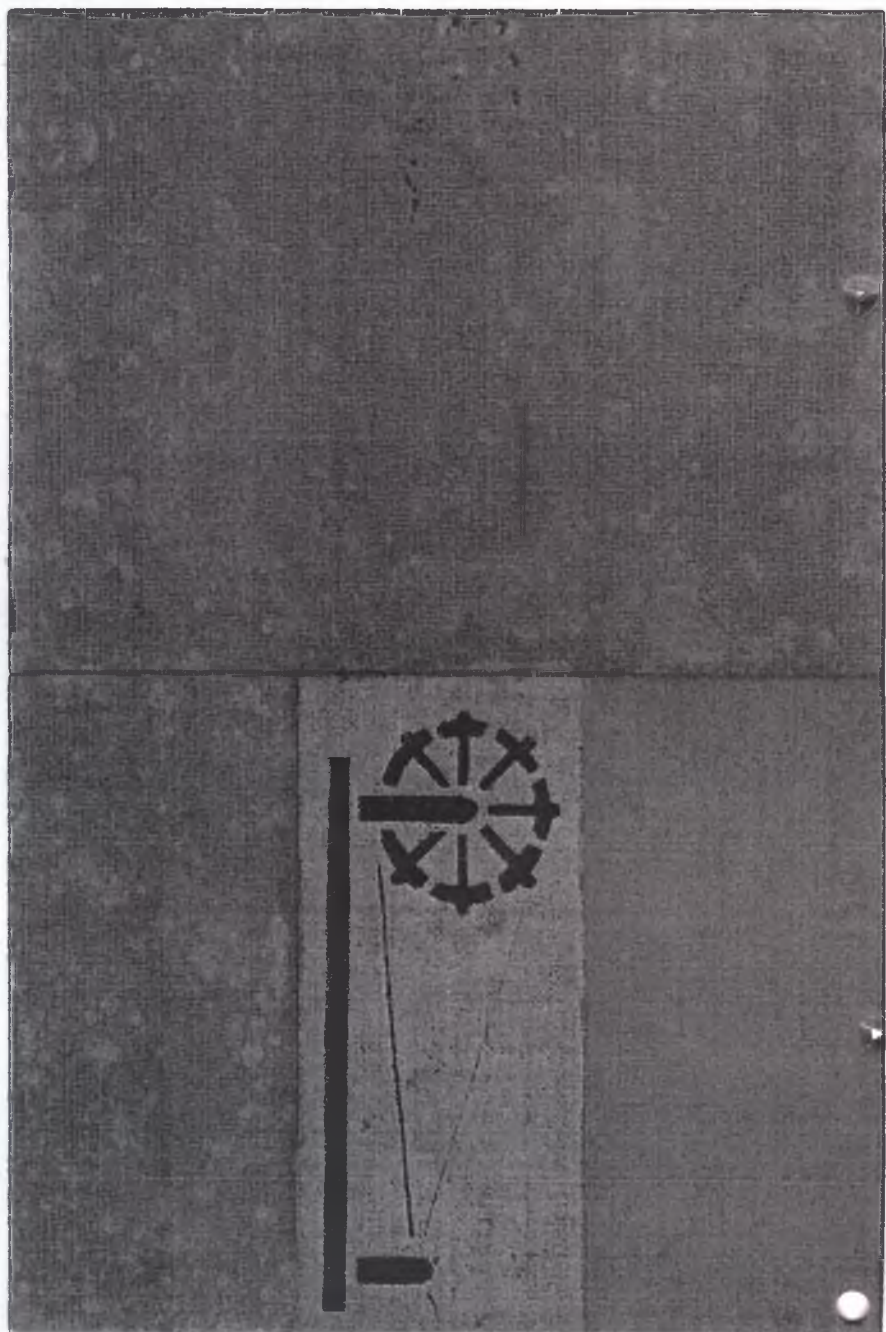
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In closing I offer you, dear Mr. Chairman,
my very best personal wishes, and I am with sentiments
of my highest esteem.

Yours very sincerely

A handwritten signature in dark ink, appearing to read "H. L. Hunt", with a long, sweeping underline.

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NETAJI'S EPISTLE TO THE INDIAN CADETS IN TOKYO

My Dear Boys!

You are always in my thoughts.

I am proud of you.

I have faith in you.

*I look forward to the happy day when you will
return to India—it will be AZAD HIND
when you return—as full-fledged Soldiers and
as guardians of India's Independence.*

You are AZAD HIND'S representatives in Nippon.

*You are in Nippon to train yourselves to be Warriors
in Azad Hind.*

*While you are in Nippon, imbibe all that is best in
Nippon Culture and Nippon civilisation.*

*Remember that you are the custodians of the Glory
and greatness that IS Hind.*

JAI HIND!

SUBHAS CHANDRA BOSE.

4th July, 1944.

DAILY PRAYER

I shall always remain faithful to AZAD HIND.

*I shall always remain faithful to NETAJI SUBHAS
CHANDRA BOSE.*

I shall always remain pure in thought and in deed.

I shall always regard every Indian as my brother.

*I shall always remember that I am an Indian first and
Indian last.*

*I shall always remember that I am a representative of
India.*

*I shall always remember that my nation will be judged
by my character and conduct.*

*I shall always conduct myself in a manner worthy of the
fair name of AZAD HIND.*

*I shall always uphold the honour and dignity of my
country.*

*I shall always be ready to sacrifice everything, even
my life, in the cause of my country.*

*May God Almighty, in His infinite mercy, grant me the
courage, strength and spirit of sacrifice to make
myself a worthy follower of Netaji and a true
and faithful servant of Azad Hind.*

INQUILAB ZINDABAD!

AZAD HIND ZINDABAD!

NETAJI ZINDABAD!

729

POPULAR fancy refuses to believe that Netaji Bose is dead. Legend insists that he is alive.

And recently a former Minister of Bengal even suggested that a national commission should be appointed to find out the truth.

But Mr. M. R. Murti, who is visiting India after twenty years with his Japanese wife, Yoko, believes that the sad truth has to be accepted. **AND MURTI SHOULD KNOW.**

He and Mr. S. A. Ayer received the urn containing the ashes of Subhas Chandra Bose from

in America, he has shown that a business man is among our best cultural envoys abroad.

★

MRS. MURTI

RECENTLY Mr. Murti founded the Indo-Japanese Cultural Association in Tokyo, of which he is vice-president.

He believes that a cultural association should be the basis of Indo-Japanese economic co-operation.

Yoko, who since her marriage in 1943 calls herself Gesta, has played a prominent part in the



Mr. and Mrs. M. R. Murti.

the Japanese Imperial General Staff in August, 1945. Mr. Murti has been its custodian ever since.

In January, when Mr. Murti left for India, the custody of the urn was given to our Ambassador in Tokyo.

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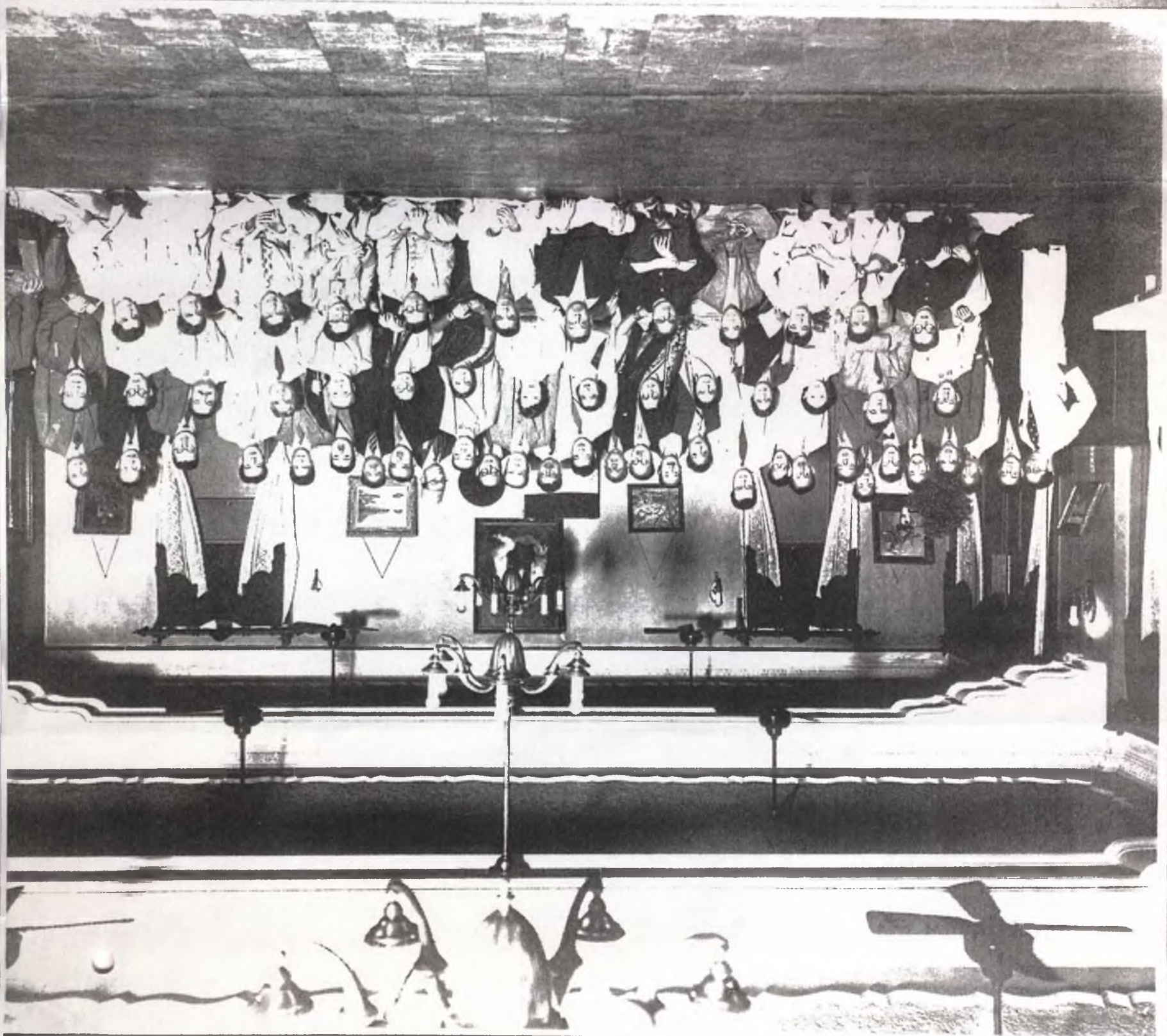
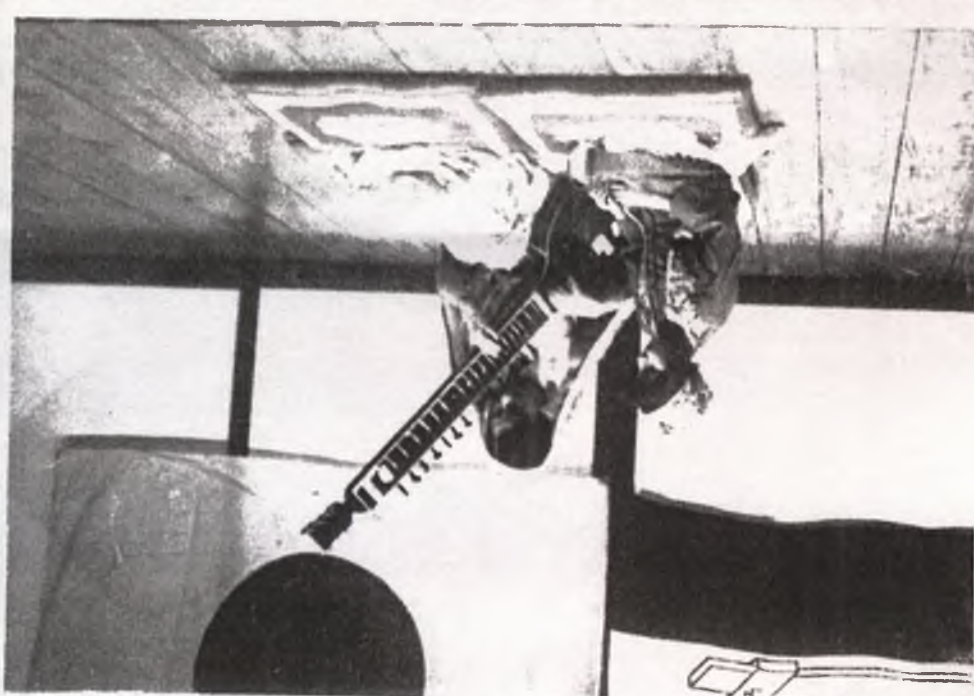
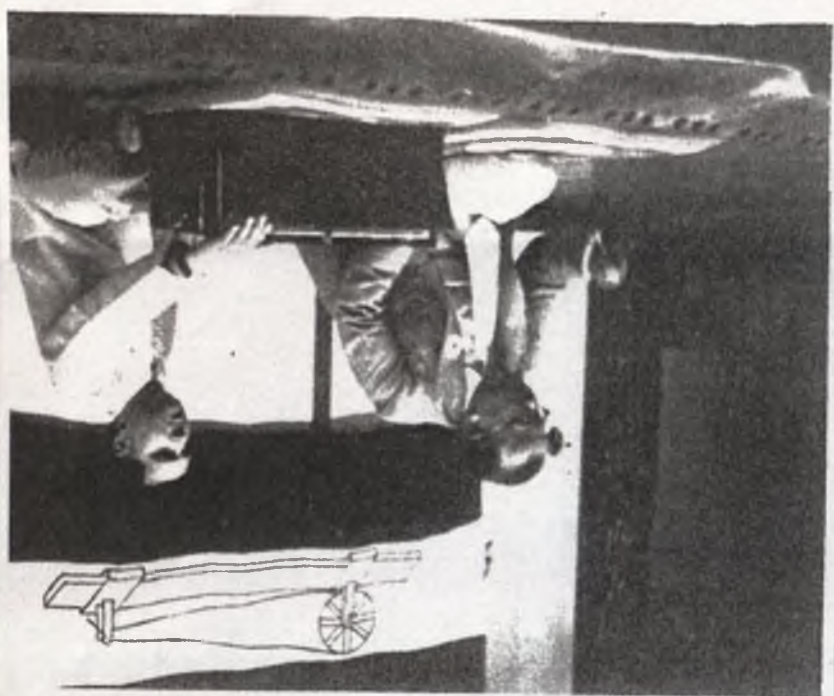




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आपरा सं 2304 दि.जी.ओ./200
Dy. No JNGO/200
दि.सं/Date 05/09/2008

3414
Dy. No. JIS (CNV) 1806
Date 04/05

185

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Out today / At once

PRIME MINISTER'S OFFICE

South Block, New Delhi – 110 101

Subject: CAN No. 2133 of 2008 in Writ Petition No. 2754/2006 – Shri Ashim Kumar Ganguly & Ors versus Union of India & Ors

Reference is invited to this office's ID^{note} of even number dated 29.8.08 on the subject. At the meeting taken on 1.9.08 in this office by the Secretary to PM, after discussion with the Law Secretary, Parliamentary Affairs Secretary, Joint Secretary (Internal Security) in the Ministry of Home Affairs and Joint Secretary (CNV) in the Ministry of External Affairs, it was agreed that the Home Ministry would act as the nodal Ministry for PMO as well as the other Ministries impleaded as respondents and file affidavits on behalf of all. The Government Counsel may also be advised accordingly to correspond with the Home Ministry only regarding the matter. The Home Ministry would make a reference to the Law Ministry for obtaining the advice of the Attorney General of India regarding the case and for securing the services of a more senior counsel for representing the Government in the case.

2. The Ministry of Home Affairs is requested to take immediate necessary follow up action.



(Amit Agrawal)
Director
Tel : 23012613

Ministry of Home Affairs [Attn: Joint Secretary (Internal Security)]

PMO ID no. 915/11/C/2/2006-Pol.

Dated: 4.9.08

Copy to:

1. Secretary, Department of Legal Affairs
2. Secretary, Ministry of Parliamentary Affairs
3. ☒ Joint Secretary (CNV), Ministry of External Affairs

PLH
D. Man
04/09/08
US (NGO)
SH MH
4/9/08

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Most Immediate

PRIME MINISTER'S OFFICE

South Block, New Delhi – 110 101

Subject: CAN No. 2133 of 2008 in Writ Petition No. 2754/2006 – Shri Ashim Kumar Ganguly & Ors versus Union of India & Ors.

Please find enclosed a set of papers on the subject. Secretary to PM would take a meeting to discuss the matter on **Monday, 1.9.08 at 12:30 p.m.** in PMO.

2. The addressees of this note are requested to kindly make it convenient to attend the meeting.



(Amit Agrawal)
Director
Tel : 23012613

Secretary, Department of Legal Affairs
Secretary, Ministry of Parliamentary Affairs
Joint Secretary (Internal Security), Ministry of Home Affairs
✓ Joint Secretary (CNV), Ministry of External Affairs

PMO ID no. 915/11/C/2/2006-Pol.

Dated: 29.8.08

Encls.: as above

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Court Case
Most Immediate
By Special Messenger

No.12014/7/08-Cdn.
Government of India
Ministry of Home Affairs

.....

Lok Nayak Bhavan, 9th floor, 'C' Wing,
Room No.8, New Delhi, dt.21.8.08

To

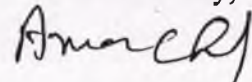
Shri Amit Agarwal,
Director (PMO),
South Block,
New Delhi.

Subject: CAN No.2133 of 2008 in Writ Petition No.2754/2006 – Shri Ashim Kumar
Ganguly & Ors versus Union of India &Ors.

Sir,

With reference to your telephonic discussion with the undersigned today i.e
21.8.08 a complete set of the earlier papers in the case is enclosed herewith.

Yours faithfully,



(AMAR CHAND)

UNDER SECRETARY TO THE GOVT. OF INDIA

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Ministry of Home Affairs
No. 1000/1954
Date 10/10/54
क. १० सं. ६९५५४
डाक सं.

Sir,

The matter again appeared before The Hon'ble Surinder Singh Nijjar, Chief Justice and the Hon'ble Justice Kalyan Jyoti Sengupta on 5th June, 2007 when the Counsel for the Union of India prayed for the extension of time to file the Affidavit in Opposition, in the matter. After hearing, Their Lordships have been pleased to grant the said prayer directing to file the Affidavit in Opposition within three weeks. The said order was again communicated to you vide this office letter dated 10th June, 2007 and simultaneously the Counsel for Union of India, Shri Tarun Kumar Ghosh also communicated the said order to the Ministry of Law, Branch Secretariat, Kolkata and the Principal Secretary, Office of the Prime Minister, Govt. of India and also Director, Netaji Research Bureau, Kolkata. It was specifically mentioned by Shri Tarun Kumar Ghosh, Advocate, in his above mentioned letter that appropriate steps should be taken immediately so that opposition may be filed in compliance with the order dated 5th June.

For ~~14/06~~ 318/cont/cont/cont/cont
16/06/06

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for protecting the interest of Govt. of India. In spite of such request, you have not furnished parawise comments and brief history of the case to this office to enable us to prepare Affidavit in Opposition for Union of India.

Please note that the time to file the Affidavit in Opposition, as granted by the Hon'ble Court, has already expired. You are, therefore, requested to take immediate necessary action to furnish parawise comments and brief history of the case to this office to enable us to draw Affidavit in Opposition and take necessary steps for filing the same before the Hon'ble Court so that interest of Govt. of India is protected.

Please treat this as most urgent.

Yours faithfully,

2307707

(S.Bhattacharyya)
Additional Govt. Counsel

Copy to:

1. Ms. V. Vidyavathi, Director, Prime Minister Office, Political Section, South Block, New Delhi - 110 001 - for information and necessary action.
2. Shri M.A. Khan Yusufi, Joint Secretary & Govt. Counsel, Ministry of Law and Justice, Deptt. of Legal Affairs, Shastri Bhavan, New Delhi-110 001 for information.
3. Shri R.N. Bandyopadhyay, Joint Secretary & Govt. Counsel, Ministry of Law and Justice, Branch Secretariat, Kolkata - w.e.f. his Note No. Misc/JS&GC/WN/07 Dated 16th July, 2007.
4. Shri Tarun Kumar Ghosh, Advocate, High Court Bar Association, Room No.2, Kolkata.- He is requested to pray for further time if the matter comes up for hearing.

(S.Bhattacharyya)
Additional Govt. Counsel

23018485

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DISTRICT: HOWRAH.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(APPELLATE SIDE)

IN THE MATTER OF:

W.P. No. 27541 (W) of 2006.

-And-

IN THE MATTER OF:

An application under Article 226
of the Constitution of India;

-And-

IN THE MATTER OF:

SRI ASHIM KUMAR GANGULY AND ANOTHER.

..... PETITIONERS.
-VERSUS-

UNION OF INDIA AND OTHERS.

..... RESPONDENTS.

SUPPLEMENTARY AFFIDAVIT ON BEHALF OF THE PETITIONERS;

I, SUBHASH CHANDRA BASU, Son of Late Surendra Nath Basu,
aged about 42 years, by religion Hindu, by profession - Lawyer,
residing at 86, Sadar Boxi Lane, Post Office, Police Station and
District - Howrah, Pin Code : 711101, do hereby solemnly affirm
and declare as follows:-

1. That I am the petitioner No.2 of this instant Writ Petition
as such I am well conversant with the facts and circumstances of
this case.

11 2 11

2. That the petitioners filed this Writ Petition based on some laws and Factual aspects relating to earlier and present facts or events, which were adequately pleaded in the Writ petition filed by the petitioners ^{concerning to stop} ~~relating to stopping~~ of all expenditures for alleged maintenance and upkeeping the Renkoji Temple in Japan, where the alleged ashes of Netaji Subhas Chandra Bose allegedly claimed to have been kept. The petitioners inadvertently and for some other unavoidable reasons failed to annex those documents on the said factual aspect but the same are required to be enclosed for proper adjudication or arrive at final conclusion and/or better appraisal ^{of} ~~of~~ factual aspect. Hence, the relevant documents are enclosed and/or relevant portion of some statements are quoted in the succeeding Paragraphs. It is further stated that by enclosing those documents or quoting some portion of the statement the petitioners do not want to change the earlier pleading or averments ~~xxxxx~~ and thus, such enclosures or portion of the statements are required to support or supplement the earlier averments of pleadings and those are also for the ends of justice.

3. ~~xxxx~~ With reference to Paragraph No.2 and 3 of this Writ Petition the petitioners have made the averments that the Petitioner No.1 on the earlier occasion had filed a Writ Petition being W.P. No. 1805 of 1997 in this Hon'ble High Court challenging

the Government's arbitrary decision for bringing the alleged
Q. / ashes of Netaji Subhash Chandra Bose from Renkoji Temple, Japan
Q. / to our country and further sought for restraining the Government
from taking such step unless satisfied about the genuineness of
claim that the ashes kept at the Renkoji Temple of Japan are that
of Netaji Subhas Chandra Bose and unless to take the people of
India in confidence.

The xerox copy of the order dated 07.04.1998, which speaks
for itself, passed in W.P. No. 1805 of 1997 by the Hon'ble Justice
Prabha Shankar Mishra, the Chief Justice and the Hon'ble Justice
Barin Ghosh as their Lordship then were, is enclosed herewith
and marked as Annexure - P/5.

4. With reference to averments made in Paragraph No.3 of
this Writ Petition, the petitioners referred another Writ Petition
Q. / being W.P. No. 281 of 1998, which was ~~also~~ decided on 30.04.1998
and it was reported in AIR 1999 Cal 9 (Rudra Jyoti Bhattacharjee -
Q. / ^{and rely upon} versus- Union of India). The petitioner crave leave to refer the
Q. / order dated 30.04.1998 ^{which is} ~~and~~ reported in AIR 1999 Cal 9 and want to
produce the said reported judgment at the time of hearing.

5. With reference to averments made in Paragraph No.4 of the
Writ Petition, the petitioners want to rely and refer the conten-
tion of appointment of Mukherjee Commission referred to as

Annexure - p/2 to the Writ Petition.

6. With reference to averments made in Paragraph No.5 of this Writ Petition concerning the Writ Petition, being Transfer Case (C) No. 7 of 1994 challenging therein the conferment of posthumous Bharat Ratna Award on Netaji Subhas Chandra Bose, the petitioners want to refer and rely upon the Judgment and Order of the Hon'ble Supreme Court of India in the said Writ Petition reported in the AIR 1997 SC 3019 (Union of India -Versus- Bijan Ghosh) at the time of hearing.

7. With reference to averments made in Paragraph No. 6 and 7 of this Writ Petition, ^{want to refer and rely upon the} the petitioners ^{of} "Conclusion", Chapter Five, at Page No. 123 of the Mukherjee Commission Report submitted on 08.11.2005 before the Government of India, ^{which} is enclosed herewith and marked as Annexure - P/6.

8. With reference to averments made in Paragraph No.8 of this Writ Petition, the petitioners state that though they have earlier adequately pleaded as to ~~the~~ holding of Shri Shaw Nawaz Committee and Khosla Commission, now the petitioners further want to refer and rely upon, Chapter One, Preamble, Page 1 and 2 of ~~the~~ ^{dated 08.11.2005} the Mukherjee Commission Report, relating to earlier appointment of a three-member Inquiry Committee vide reference ~~May No. 20(26) PEA~~ No. P-30(26) PEA/56 dated April 3, 1956 headed by Shri Shaw Nawaz

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by Khan as Chairman and the Inquiry Commission was constituted vide Notification No. 25/14/70-Poll.11 dated July 11, 1970 headed by Shri G.D.Khosla, retired Chief Justice of Punjab High Court, which were asked to inquire into the facts relating to disappearance of Netaji Subhas Chandra Bose and the Committee ^{report wherein} ~~(except)~~ Suresh Chandra Bose ^{submitted a dissentient report (report)} and the Commission which laid on the table of the House on 03.09.1974, come to the conclusion that Netaji Subhas Chandra Bose died in plane crash in Tokyo, Japan.

The xerox copy of the Chapter One, Preamble, Page No. 1 and 2 of the Mukherjee Commission Report dated 08.11.2005 is enclosed herewith and marked as Annexure - F/7.

The petitioners further want to refer and rely upon the report of Mukherjee Commission as to the statements of the then Prime Minister Shri Morarji Desai made on 28.08.1998 in the floor of the Parliament reported therein in the said said Report under heading (b) Its Limitation and Constraints (1) re; records/document in Point No.2.5, Page No. 13 and 14 and it was held that the Government find it difficult to accept that earlier conclusions are decisive.

The xerox copy of the Page No. 13 and 14 of the said Mukherjee Commission Report wherein the said statements of the then Prime Minister Morarji Desai are quoted, are enclosed herewith and marked as Annexure -P/8. collectively.

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Furthermore, with reference to averments made relating to
the petitioners want to say that the same
Action Taken Report(ATR) has been rejected on 17.05.2006 without
assigning any ~~report~~ ^{reason} and without having any authority under the
provisions of The Commission of Inquiry Act, 1952. The Government
being the executing authority could either act upon the said report
or not but in no circumstances, the Government is empowered to
reject the Commission Report ~~on 17.05.2005~~ on 17.05.2005 in as much as
it was constituted under Judicial intervention. Such rejection of
Action Taken Report(ATR) ~~xxx~~ is absolutely illegal and without any
authority of law.

9. With reference to averments made in Paragraph No.9 of
this Writ Petition ^{the petitioners further state the facts} relating to Colonel Habibur Rahaman, who was
the Co-passenger with Netaji Subhas Chandra Bose and he was present
before Shah Nawaz Committee as Witness(SW-4) but neither he did
appear before the Khosla Commission nor the the Government took
any step to ensure his appearance before the said Commission
as such ~~xxx~~ he was not testified by the said Commission. Further-
more, the said Committee and Commission never had gone to the place
of alleged plane crash i.e. in Taihoku, Japan though the reports
of the Committee and Commission were the main source or reason to
believe and
low confidence and belief of the Government of India and still want to
and clutch
cherish such belief.

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10. With reference to averments made in Paragraph No.14 of this Writ Petition, the petitioners further state that the Government of India utterly violated the provisions of the Public Records Act, 1993, the records of disappearance of Netaji Subhas Chandra Bose has got great national and international importance as such it should be kept in proper manner in accordance with law but, however, such records relating to "Investigation into the circumstances leading to the death of Subhash Chandra Bose" was destroyed on 06.03.1972 (Ref. File No. 12(226)/56-PM of the Mukherjee Commission Report). The said act of destruction of such Records of National and International importance is antinational activities and vindictive attitude and by way of such conduct the whole nation are made befooled and kept under the dark for a long time, which is the contribution of the Central Government. The xerox copies of Page No.10 & 11 of Mukherjee Commission report confirming the destruction of the said record of Netaji in 1972 are enclosed as Annexure - Pk 1.

11. With reference to averments made in other different Paragraph of this Writ Petition the petitioners, state that since respondents concerned have not filed their affidavit-in-Opposition as yet though there was a direction for the same on 05.01.2007, the Hon'ble Court may proceed with this Writ Petition holding that the factual averments made therein deemed

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to have been accepted by the Government of India. The petitioners crave leave to refer and rely upon some decisions on this points of such acceptance at the time of hearing.

12. The petitioners submit that this Supplementary Affidavit may be treated as part of Writ Petition and it may be heard alongwith the main Writ petition.

13. That the statements made in Paragraph No. 1, 2, 3,
..... are true to my knowledge and the statements
made in Paragraph No. 4, 6, 7, 8, 9, 10. are true to my
information derieved from the relevant records which I verily
believe to be true and rest are my humble submission before
this Hon'ble Court.

Subhash Chandra Basu

Prepared in my office.

The deponent is known to me.

Subhash Chandra Basu

Clerk to Mr.

(Subhash Chandra Basu)
Petitioner-in-person.

Advocate.

Solemnly affirm before me
this 26th day of February,
2007.

COMMISSIONER OF OATH.

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S.P. BENCH No 1805

OF 1997

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
~~Ordinary Original Civil Jurisdiction~~
Original Side



12 AUG 1997
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Rajesh K. Singh
3) c/o u 78
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Seal /) 17 5/8
The Hon'ble The Chief Justice

And

The Hon'ble Justice

Barin Ghosh

President of the Union of India

In the Matter of : An application under Article 226 of the Constitution of India;

And

In the Matter of : Public Interest Litigation;

And

In the Matter of : A writ in the nature of Mandamus;

And

In the Matter of : A writ in the nature of Certiorari;

And

In the Matter of : Prohibition and/or any other such appropriate writ or writs, order or orders, direction or directions;

And

In the Matter of : Investigation in connection with the ashes of Netaji Subhas Bose as declared and/or announced by the Govt. of India

And

In the Matter of : Inaction/non-action on the part of Govt. of India not having declared anything about the death of Netaji Subhas Chandra Bose before having taken any initiative to bring the ashes of Netaji Subhas Chandra Bose from Hancogi temple of Japan;

And

In the Matter of : Ashim Kumar Ganguly, son of Late Netaji Chandra Ganguly, residing at 23/A, Sib Krishna Da Lane, P.O. Kankurgachi, Calcutta- 700 054.

.... Petitioner

2.

Versus

1) Govt. of India, service through Secretary, Ministry of Defence, New Delhi, (2) Govt. of West Bengal, service through Secretary, Home Department, Writers' buildings, Calcutta-1 (3) Ministry of Human Research & Development having its office at New Delhi ; (4) Ministry of Home affairs, Govt. of India, having its office at North Block, Central Secretariat, New Delhi- 4; (5) Ministry of External affairs, service through the Secretary having its office at South Block, Central Secretariate, New Delhi.

..... Respondents

Upon reading a petition of Ashim Kumar Ganguly, abovenamed (hereinafter referred to as 'the said petitioner') and his affidavit in verification thereof affirmed on the twenty ninth day of August, one thousand nine hundred ninety-seven and the exhibits annexed to the said petition and marked respectively 'A' and 'B' all filed on the twenty ninth day of August, one thousand nine hundred ninety seven. And upon hearing Mr. Subrata Mukherjee (Mr. Rajesh Ganguly appearing with him) Advocate for the said petitioner and Mr. U.P. Mukherjee, Advocate for the respondents abovenamed and upon the Advocate for the respondent Union of India abovenamed echoing the observations made by the Supreme Court of India in (Union of India & Ors.-Vs.- Bijan Ghosh & Ors.) (1998 W.B.L.R. (SC) Page 9) stating before this court that, without there being a conclusive proof and/or otherwise determined in accordance with law the Union of India cannot accept that Netaji Subhas Chandra Bose

3.

area in Taiwan on eighteenth day of August, one thousand nine hundred forty five or at any later date and that the ashes which are said to be kept in the Hencogi Temple of Japan are that of Netaji Subhas Chandra Bose and this court having no manner of doubt that a responsible Government of the people of India will do nothing which would undermine the stature and image of Netaji Subhas Chandra Bose And it being difficult to accept that the Defence Minister of the Country has made a statement of such consequences as included in the said petition without verification of the facts, yet responsible newspapers like Bartoman, Ananda Bazar have so reported And the said petitioner through the said petition now alarmed that the Government of India has intended to accept the factum of the death of Subhas Chandra Bose in the shape of ashes which are allegedly stacked and kept at the Hencogi Temple, Japan And in view of the assurance that nothing of the sort is likely to be done by the Government of India.

It is ordered that before accepting the ashes which are allegedly kept at the Hencogi Temple, Japan as that of Netaji Subhas Chandra Bose, the Government of India shall obtain full particulars and evidence and satisfy itself about the genuineness of the claim that the ashes kept at the Hencogi Temple of Japan are that of Netaji Subhas Chandra Bose and take the people of India in confidence And it is further ordered that this matter is disposed of accordingly.

Witness: Shree Prabha Shanker Mishra, the Chief Justice at Calcutta aforesaid the seventh day of April in the year one thousand nine hundred and ninety-eight.

Gouranga Bhattacharyya..... Advocate.

Tapan Ch. Dutt..... Advocate.

S. Bhattacharjee..... Advocate.

P. Ghosh
03.8.98.
For Registrar.

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XXXXL No. 1805 OF 1997
IN THE HIGH COURT AT CALCUTTA
~~Ordinary Original Civil Jurisdiction~~
Constitutional Writ Jurisdiction
Original Side

Ashim Kumar Ganguly

Union of India & Ors.

- (i) Date when the decree or order was completed
- (ii) Date of application for copy
- (iii) Date of receipt of the requisite number of fees and stamp
- (iv) Date of delivery of the requisite fees and stamp
- (v) Date on which the copy is ready for delivery
- (vi) Date when delivery was taken of the copy by the applicant

12.8.1998
12.8.1998
12.8.1998
12.8.1998
14.8.1998
14.8.1998

Order/Decree of the 7th day of
April, 1998.
Filed this 10th day of
August, 1998.

K. Rakshit
Superintendent,
Order Department.

Superintendent,
Order Department
High Court, Calcutta.

Rajesh Kumar Ganguly
Advocate.

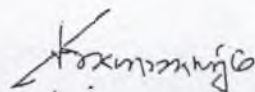
Chapter Five

Conclusions

5.1 In view of and in conformity with the preceding discussion the response of the Commission to the terms of reference, seriatim, is as follows :-

- (a) Netaji Subhas Chandra Bose is dead;
- (b) He did not die in the plane crash, as alleged;
- (c) The ashes in the Japanese temple are not of Netaji;
- (d) In absence of any clinching evidence a positive answer cannot be given;
and
- (e) Answer already given in (a) above.

5.1.1 As regards the ancillary query (vide paragraph 3 of the Notification) the Commission is of the view - consequent upon its' above findings - that in undertaking the scrutiny of publications touching upon the question of death or otherwise of Netaji, the Central Government can proceed on the basis that he is dead but did not die in the plane crash, as alleged.


Chairman

Kolkata
November 07, 2005

Chapter One

Preamble

1.1 The controversy over the death of Netaji Subhas Chandra Bose ('Netaji' for short), who needs no introduction, surfaced after the announcement from Tokyo on August 23, 1945 that Netaji had died in a plane crash on August 18, 1945. However, some press reports published from Tokyo and Taihoku (Taipei) had given contradictory versions. After independence of India, there was a popular demand for an inquiry into the alleged disappearance/death of Netaji. The issue was also raised in the Parliament from time to time. Responding thereto, the then Prime Minister on December 3, 1955, announced in the Parliament that an official committee would be appointed to go into the matter. Accordingly, the Government of India appointed a three-member Inquiry Committee, vide its Notification No.F-30(26)FEA/55 dated April 5, 1956, with Shri Shah Nawaz Khan, Parliamentary Secretary to the Ministry for Transport and Railways, as its Chairman and Shri Suresh Chandra Bose, elder brother of Netaji and Shri S. N. Maitra, ICS, Chief Commissioner, Andaman & Nicobar Islands, as its members. The task of the Committee, as it appears from the Notification, was to inquire into and report to the Government of India on the circumstances concerning the departure of Netaji Subhas Chandra Bose from Bangkok on or about August 16, 1945 and his alleged death as a result of an aircraft accident and subsequent developments connected therewith. After considering the evidence collected by the Committee, two of

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them (Shri Shah Nawaz Khan and Shri S.N.Maitra) came to the conclusion that Netaji had died in the aforesaid plane crash. Shri Suresh Chandra Bose, the other member, submitted a dissentient report stating that there had been no plane crash involving Netaji's death. The majority report was accepted by the Government of India.

1.2 The majority view of that Committee, however, did not satisfy the public in general and several members of the Parliament in particular, who raised a demand for a fresh inquiry into the matter. Under the circumstances, the Government of India, in exercise of its powers under the Commissions of Inquiry Act, 1952, (the Act for short), constituted an Inquiry Commission vide its Notification No.25/14/70-Poll.11 dated July 11, 1970, headed by Shri G.D. Khosla, Retired Chief Justice of Punjab High Court. The Commission was asked to inquire into all the facts and circumstances relating to the disappearance of Netaji Subhas Chandra Bose in 1945 and the subsequent developments connected therewith. The said Commission examined some of the witnesses who had testified before the Shah Nawaz Committee and some other witnesses including Shri Shah Nawaz Khan and Shri Suresh Chandra Bose. That Commission also came to the conclusion that Netaji had succumbed to his injuries sustained in the plane crash at Taihoku and that his ashes had been taken to Tokyo. The findings of the Khosla Commission also did not end the controversy surrounding Netaji's death; several important people and personalities including some members of Netaji's family, Shri Samar Guha, ex-MP, and others did not accept the findings of the Khosla Commission. Since then there had been a widespread feeling among the public that the issue of finding the truth about Netaji's disappearance / death still remained unresolved and there was a consistent demand for another inquiry into the matter.

2.4.5 From the above resume of facts relating to the file in question it is evident that the stand taken by the Cabinet Secretariat is evasive and unfathomable. The Director of the Prime Minister's office (PMO for short) clearly stated in her letter dated July 4, 2000 (referred to earlier) that the file "was destroyed in 1972.... since records of Cabinet proceedings are kept permanently in the Cabinet Secretariat from where these may be procured". Since the file is said to have been destroyed four years after formation of the Cabinet Secretariat and since the records of the Cabinet proceedings are to be kept permanently in the Cabinet Secretariat the only conclusion that can be drawn is that if the file had been destroyed as claimed, the copies of the documents contained in the file were in the Cabinet Secretariat and obviously for this reason the Director of PMO asked the Commission to get the file procured therefrom. Judged in that context, the Commission would have been fully justified in pursuing the matter further with the Cabinet Secretariat to bring to their notice that their plea for not producing the papers was specious and tenuous for the reasons aforesaid, but the curt reply of its Deputy Secretary peremptorily forestalled all contemplated future attempts of the Commission to retrieve atleast the copies of the documents contained in a file bearing the subject heading "Investigation into the circumstances leading to the death of Shri Subhas Chandra Bose" which was not only the subject matter of inquiry of the Khosla Commission but is also of the present Commission.

2.5 Some of the deponents before this Commission brought to its notice that on August 3, 1977 Prof. Samar Guha moved the following motion in the Parliament (Lok Sabha):-

"That this House do consider the Report (1974) of the Commission of Inquiry into the disappearance of Netaji Subhas Chandra Bose laid on the Table of the House on the 3rd September, 1974"

and in reply thereto Shri Morarji Desai, the then Prime Minister of India, made the following statement on August 28, 1978:-

"There have been two enquiries into the report of the death of Netaji Subhas Chandra Bose in the air-crash on 18th August 1945 at Taihoku airfield during his air-journey to Manchuria, one by a Committee presided over by Maj. General Shah Nawaz Khan and the second by a one-man Committee (sic) of enquiry headed by Shri G.D. Khosla, retired Judge of the Punjab High Court. The Majority report of the first Committee and Shri Khosla held the report of the death as true. Since then, reasonable doubts have been cast on the correctness of the conclusions reached in the two reports and various important contradictions in the testimony of witnesses have been noticed, some further contemporary official documentary records have also become available. In the light of those doubts and contradictions and those records, Government find it difficult to accept that the earlier conclusions are decisive."

2.5.1 Pursuant thereto this Commission asked the Prime Minister's office (PMO), the Ministry of External Affairs (MEA), the Cabinet Secretariat (CS) and the Ministry of Home Affairs (MHA) to ensure production of all those 'further contemporary official documentary records' which as stated by the Prime Minister had 'also become available' to the Government of India. They were also asked to send to the Commission

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(b) Its limitations and constraints

(i) re : records / documents

2.4 As stated earlier, some files / documents have not been produced by the Government of India in spite of repeated reminders. Out of these files / documents the following would have been, in the opinion of the Commission, of great assistance in answering the terms of reference:-

2.4.1 One of the files called for by the order dated March 23,2000 was file no.12(226)/56-PM (investigation into the circumstances leading to the death of Subhas Chandra Bose). In response thereto the Director of the Prime Minister's office (PMO for short) intimated by her letter dated May 2,2000 that the above file was not available as it had been destroyed. On receipt of the above communication the Commission asked her, by its letter dated May 23,2000, to intimate to the Commission the subject and contents of the above file and the circumstances under which the said file had been destroyed. When the Commission was awaiting her reply Shri A. K. Paitandy, Director (Internal Security-1) in the Ministry of Home Affairs ('MHA' for short) filed an affidavit before this Commission on June 22,2000 wherein he stated, inter alia, as under:-

..... in view of the fact that some of the departments / organisations have informed that they do not have any papers on Netaji / INA, there seems to be

some confusion about filing of affidavits to that effect by them. In view of this fact and in deference to the directions/orders of the Commission, this Ministry is filing this affidavit on behalf of the following and I accordingly further affirm and state that there are reportedly no files/papers concerning Netaji / INA in their (the under mentioned departments') possession (emphasis supplied) :-

- i) Cabinet Secretariat
- ii) Intelligence Bureau
- iii) Research and Analysis Wing"

2.4.2 The assertion made by Shri Paitandy, quoted above, stood belied, as the Director of the PMO in reply to the Commission's letter dated May 23, 2000 stated (in her letter dated July 4, 2000) the "file No.12(226)/56-PM which contained agenda paper/cabinet decision regarding "Investigation into the circumstances leading to the death of Shri Subhas Chandra Bose" was destroyed in 1972 in course of routine review/weeding of old records since records of Cabinet proceedings are kept permanently in Cabinet Secretariat, from where they may be procured".(emphasis supplied).

2.4.3 To ascertain which of the above versions was correct the Commission wrote a letter to the Secretary, MHA on August 18, 2000 calling upon him to produce photocopies of all the agenda papers/Cabinet decisions concerning "Investigation into the circumstances leading to the death of Netaji" from the custody of the Cabinet Secretariat. Another letter was addressed to the Secretary of the Prime Minister's Secretariat on August 25, 2000 calling upon him to produce copies of the orders regarding destruction of files/documents concerning Netaji Subhas Chandra Bose as

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DISTRICT: HOWRAH.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(APPELLATE SIDE)

W.P. No. 27511 (W) of 2006.

Subject matter relating to :-

"RESIDUARY"

"PUBLIC INTEREST LITIGATION"

Under Group - IX Head

of the Classification list:

:: CAUSE TITLE ::

SRI ASHIM KUMAR GANGULY AND ANOTHER PETITIONERS.

-VERSUS-

UNION OF INDIA AND OTHERS. RESPONDENTS.

ON-RECORD ::

SRI SUBHASH CHANDRA BASU,
Petitioner-in-person.

Address: 86, Sadar Boxi Lane,
Post Office, Police Station
and District - Howrah, Pin: 711101.

Phone : 2640-1217.

(210)

(39)

DISTRICT: HOWRAH.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(APPELLATE SIDE)

W.P. NO. 2751 (H) OF 2006.

SRI ASHIM KUMAR GANGULY AND ANOTHER PETITIONERS
-VERSUS-
UNION OF INDIA AND OTHERS RESPONDENTS.

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DISTRICT, HOWRAH,

IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION

(APPELLATE SIDE)

SRI ASHIM KUMAR GANGULY AND ANOTHER. ... PETITIONERS.
-VERSUS-
UNION OF INDIA AND OTHERS ... RESPONDENTS.

:: LIST OF DATES ::

<u>SL.</u> <u>NO.</u>	<u>DATE</u>	<u>E V E N T S.</u>
01.	18.08.1945	:: It was alleged that Netaji Subhas Chandra Bose died in Plane Crash xx at Taihoku in Formosa.
02.	1956	:: Sha Nawaz Committee was constituted.
03.	1970	:: Khosla Commission was constituted.
04.	August, 1978	:: Prime Minister Morarji Desai cancelled the earlier Committee and Commission report on Netaji's alleged death.
05.	22.01.1992	:: Press communique announced as to conferment of award of Bharat Ratna xxxxxxxxxxxx posthumously on Netaji Subhas Chandra Bose.
06.	04.03.1997	:: Transfer Case (C) No. 7 of 1994 was decided. Press communique was cancelled by Supreme court
07.	07.04.1998	:: W.P. No. 1803 of 1997 was decided by the Hon'ble High Court, Calcutta.
08.	30.04.1998	:: W.P. No. 281 of 1998 was decided by the Hon'ble High Court, Calcutta.
09.	24.12.1998	:: West Bengal Legislative Assembly unanimously adopted the Motion for setting up Commission on the Netaji's death.
10.	1999	:: Commission xx was constituted. Hon'ble Justice Manoj Kumar Mukherjee was appointed as the Chairman of the said Commission.
11.	08.11.2005	:: Mukherjee Commission Report was submitted to the Government of India.
12.	17.05.2006	:: Report of the Mukherjee Commission was tabled in the Parliament and was rejected by the Govt
13.	27.09.2006	:: Petitioner sent representation to the concerned authority.
14.	07.12.2006	:: Report published in the Anandabazar Patrika stating that the Govt. would continue to bear the expenses of Renkoji Temple and so-called xxxxxx ashes of Netaji Subhas Chandra Bose.

DISTRICT: HOWRAH.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION.

(APPELLATE SIDE)

W.P. NO. 27591 (W) OF 2006.

SRI ASHIM KUMAR GANGULY AND ANOTHER PETITIONERS.
-VERSUS-
UNION OF INDIA AND OTHERS RESPONDENTS.

QUESTION OF LAW INVOLVED:

SL.
NO.

QUESTION OF LAWS INVOLVED

01. Whether the Government of India can incur any amount from public exchequer for maintenance ~~of~~ and upkeeping the Renkoji Temple in Japan allegedly keeping the ashes of Netaji Subhash Chandra Bose after filing/submitting the Mukherjee Commission report on 'Netaji' ?
02. Whether the Government of India after appointing the Mukherjee Commission could accept or uphold the earlier Committee/Commission reports and could reject the present Mukherjee Commission report without showing any reason ?
03. Whether the Government of India without any rhyme or reason could withhold the Mukherjee Commission report ~~as per the~~ and could remain silent for a long period as to placing the same before the Parliament for open debate or discussion amongst the members of the Parliament ?
04. Whether the Government of India could incur any amount from public exchequer for alleged death of Netaji on 18.08.1945 after submission of Mukherjee Commission report ?
05. Whether it is the ~~the~~ duty of the Government of India to stop all expenses for Renkoji Temple in Japan and for alleged ashes of 'Netaji' kept in the said Temple ?

DISTRICT : HOWRAH.

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
(Appellate Side)
—

W.P.No. 27541 (w) of 2006.

In the matter of :

An application under Article 226 of
the Constitution of India.

-And-

In the matter of :

A writ and/or writs in the nature of
Mandamus ;

-And-

In the matter of :

/ A writ and/or writs in the nature of
Mandamus ;

-And-

In the matter of :

A writ and/or writs in the nature of
Prohibition ;

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:- 2 :-

-And-

In the matter of :

A writ and/or writs in the nature of
Certiorari ;

-And-

In the matter of :

Any other writ or writs, order or Orders,
direction or directions ;

-And-

In the matter of :

The Right to information Act, 2005 ;

-And-

In the matter of :

The Commission of Inquiry Act, 1952 and
Rules framed thereunder ;

-And-

In the matter of :

The Public Records Act, 1993 ;

-And-

In the matter of :

Violation of the provisions of Article

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14,19 (1)(a), 51A(b) and 21 of the
Constitution of India.

-And-

In the matter of :

Apathetic attitude of the concerned
authorities in considering the
representation dated 27.03.2006 ;

-And-

In the matter of :

Illegal and arbitrary decision of the
concerned Respondents for continuous
wasteful expenditure of public Money
from the Government Exchequer for
maintenance of so-called alleged ashes
of Netaji Subhas Chandra Bose kept in
the Kenkoji Temple in Tokyo, Japan ;

-And-

In the matter of :

Non-acceptance of report of Justice
Mukherjee Commission constituted to
find out the clue of alleged death of
Netaji Subhas Chandra Bose allegedly
took place in Plane Crash on 18.8.1945.

1-4-1

And

In the matter of :

Arbitrary and whimsical decision of
withholding the Mukherjee Commission's
Report and not placing the same before
the members of Parliament for open
debate or discussion ;

And

In the matter of :

Deliberate and wilful contravention
of the provisions for maintenance of
Public Records by the concerned
Government and gross dereliction of
duties and serious consequences of
damage and/or destruction of the same ;

And

In the matter of :

1. SRI ASHIM KJMAR GANGULY,
son of late Netai Chandra Ganguly,
residing at 90, A.K. Mukherjee Road,
3rd, floor, Police Station Baranagar,
Kolkata-700 090.

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2. SRI SUBHASH CHANDRA BASU

son of late Surendra Nath Basu,

residing at 86, Sadar Bazar Lane,

Police Station and District, Howrah.

Pin Code No.- 711 101 ;

.... ... PETITIONERS.

-Versus-

1. Union of India,

service through the Secretary,
Ministry of Home Affairs, (North Block)
Government of India, New Delhi.

2. Principal Secretary,

Office of the Prime Minister,

Government of India, 7, Race Course

Road, New Delhi

3. Secretary,

Ministry of Foreign Affairs,

Government of India, New Delhi.

4. Secretary,

Ministry of Parliamentary Affairs,

Government of India, New Delhi.

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5. Director,

Netaji Research Bureau,
/ 38/2, Lala Lajpal Roy Road,
Bagin Road, Kolkata. -20;

... .. RESPONDENTS.

To

The Hon'ble Vikas Shridhar sirpurkar, Chief Justice and His
Companion Justices of the said Hon'ble Court.

The humble petition of the above
named petitioners

Most Respectfully Sheweth :-

1. That the petitioners are the peace-loving and public spirited citizens of India having their permanent address mentioned in the Cause Title hereinabove.
2. That the petitioner no.1 is the learned Advocate of this Hon'ble court and he is involved in various social and philanthropic activities and earlier he came forward on several occasions to espouse or ventilate the grievances of the hapless people before this Hon'ble Court and at the instance of the petitioner No.1 a large numbers of political and social victims were saved, rehabilitated and heaved a

1-7-1

sign or solace and as a citizen of this Country he further painfully observed the apathetic attitude of the Government of India towards the World's famous Hero like Netaji Subhas Chandra Bose and of his own volition and/or accord spontaneously challenged the indifferent and derogatory attitude of the Government of India towards " Netaji " by filing the writ petition being W. P.No. 1305 (w) of 1997, decided on 07.04.1998, which was the initiation for constituting the Commission of Inquiry on the mysterious disappearance of Netaji Subhas Chandra Bose (hereinafter referred to as " Netaji").

So as to the petitioner No.2 is concerned, he is also the learned Advocate of this Hon'ble court and the office Secretary of Howrah Ganatantrik Nagarik Samity, a non-party Citizen Forum, which is the sentinel of the City of Howrah and there was/is hardly any major public issue which was not attended by the said Samity and a large number of public Interest Litigations viz. on Calcutta Maiden,

1- 3 -1

Victoria Memorial, Police Morgue, Rabindra Sarobar, Botanical Garden, Shibpur, Howrah Bridge and Calcutta Traffic Managements etc. were filed by the petitioner no. 2 with others petitioners before this Hon'ble Court and as a result many Civic authorities were compelled to discharge their statutory duties and public goods were done and further he was one of the petitioners before the Hon'ble ^{Supreme} Court of India regarding some Civic problem of the City of Howrah and based on which and by the order dated 16.4.1996 passed in Writ petition (C) No. 330 of 1995, this / Environmental Bench was constituted, which is popularly known as " Green Bench".

3. That the emergence of Netaji Subhas Chandra Bose in the history of struggle for Independence was epoch-making and the role of Netaji and his contribution and gallant Deeds for liberation of Indian Independence and his great ideals are honoured from the core of the hearts and if any

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person is blessed to be born in any part of the Indo-Pak Sub-Continent, unhesitatingly he should bow down his head before Netaji for his high ideals and contribution who had shakened the British Imperialism and tried to hasten the Indian Independence and brought the same to our threshold and by arms revolution with the help of Azad-Hind-Fouz he brought the blue firmament and new harizon of Independence for us well in advance. Such a great role of the great son of India, who had insurmountable personality, sky-kissing popularity and inbuilt quality of high ideals, was never assessed and/or properly honoured by the Government of India and always inclined to show an indifferent attitude towards "Netaji", the great National "Hero" of our country and when the whole nation was about to go on total oblivion as to our national hero, heritage and the noble ideals which inspired our national struggle for freedom due to motivation a writ petition being W.P.No. 1805 (w) of 1997 was filed by the petitioner No.1, which was decided on 07.04.1998 challenging on the question of death of Netaji allegedly on 18.08.1945 in Plane Crash and his alleged ashes kept

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in the Renkoji Temple, Japan and thereafter a further writ petition being W.P.No. 291 of 1998 which was decided on 30.04.1999 and reported in AIR 1999 Cal-9, was filed in this Hon'ble Court challenging the attitude of the Government of India towards "Netaji", inter alia with the following prayers :-

- i) To classify and disclose all documents relating to Netaji Subhash Chandra Bose including the Indian National Army;
- ii) To make a categorical statement whether the name of Netaji was still in the list of War criminals drawn up after the Second World War and issue a press communique to the said effect ;
- iii) Not to allow any agency or publish or any person to publish the story of the death of Netaji Subhas Chandra Bose in the alleged plane crash on 18.08.1945 ;
- iv) To disclose the stand of the Government of India regarding Netaji Subhas Chandra Bose if he is found on Indian Soil. Whether Government of India will welcome him or hand-over him to the allied forces for trial as war Criminal and make a press communique to that effect " and

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v) To produce and/or transmit all the records, files and documents as mentioned in Annexure "F" to the petition about disappearance of Netaji Subhas Chandra Bose since August 18, 1945 and subsequent thereto ;

The aforesaid writ petition being W.P.No. 231 of 1998 was disposed of on 30.4.1998 inter alia, ^{with} on the following orders :-

1. Respondent shall launch a vigorous enquiry in accordance with law by appointing, if necessary, a Commission of Inquiry as a Special case for the purpose of giving an end to the controversy ;

a) Whether Netaji Subhas Chandra Bose is dead or alive ;

b) If he is dead, whether he died in the Plane Crash, as alleged ;

c) Whether the ashes in the Japanese Temple are ashes of Netaji ;

d) If he is alive, in respect of his whereabouts ;

2. The Respondent shall follow for the said purpose the direction of this court given in W.P.No.1805 of 1997, namely to take the people of India in confidence ;

3. Respondents shall at appropriate level examine/scrutinise all publication pertaining to the matter as above and proscribe, if necessary, all such publications which appear to touch the question of death or otherwise of Netaji if the same has the effect of disturbing the public order and causing incitement of violence ;

4. Respondents, if so advised, shall inform all publication house to take its prior permission before any publication on the subject above is made and before granting such permission scrutinise in the manner as indicated above ;

4. That the said writ petition being W.P.No. 231 of 1993 was heard by the Hon'ble Division Bench (Public Interest Litigation BENCH) on 30.04.1993 ~~(and the said Hon'ble Bench~~ ~~constituted)~~ and the said Hon'ble Bench was pleased to, inter alia, pass the orders as stated hereinabove and thereafter the West Bengal Legislative Assembly, unanimously adopted a Motion on 24.12.1993 for setting up a Commission of Inquiry

and the Chief Justice of the Hon'ble Supreme Court of India thereafter had given the names of the Chairman of the said Commission and the Hon'ble Justice Manoj Kumar Mukherjee (Retired) of the Hon'ble Supreme Court of India was, thus, appointed as the said Chairman and finally the Commission of Inquiry was constituted in the year 1999.

5. That it may not be out of place to mention here that before setting up and/or constituted the said commission of Inquiry the Government of India made an attempt to confer posthumous Bharatratna Award to Netaji and further the then Defence Minister took the initiative to bring the alleged ashes of Netaji Subhas Chandra Bose to our Country allegedly kept in the Renkoji Temple, Japan and on that issue a Writ petition being C.O.No. 6720 of 1993 (Union of India -vs- Bijan Chosh) was also filed by the learned Advocate in this Hon'ble Court and the same was, afterwards, transferred to the Hon'ble Supreme Court of India and Transfer Case being / Transfer Case (C) No.7 of 1994 which was decided on 04.09.1995 and was reported in AIR 1997 SC-3019 wherein the Government of India was compelled to retreat and abandon the long

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cherished illusory decision and, hence, there was no necessity to proceed further with the writ petition and was disposed of accordingly with the declaration that the press communique on 22.01.1992 announcing conferment of award of Bharat Ratna Posthumously on Netaji should stand cancel .

6. That after setting up of Commission of Inquiry under the Chairmanship of Hon'ble Justice Manoj Kumar Mukherjee (Retired) (hereinafter referred to as " Mukherjee Commission") proceeded sincerely to find out the clue of mysterious disappearance of Netaji Subhas Chandra Bose and/or to unearth whether Netaji died in alleged plane crash that took place at Taihoju (Now Taipei) in Taiwan (formerly formosa) on 18.03.1945 and also to find out whether the alleged ashes kept in the Renkoji Temple in Tokyo, Japan is that of Netaji Subhas Chandra Bose or not. The all sections of people of the Country welcomes this / Commission of Inquiry since it was the fervent aspiration for a long time and it was the people's believe that this Commission of Inquiry would be able to bring the people of

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of India in confidence and to unearth the real truth which was kept deliberately hidden for a long time for some unknown reason and/or for vested political vendetta or motivation.

7. That said Mukherjee Commission (hereinafter referred to as the said "Commission") has examined 131 nos. of witnesses and had gone through and/or perused 303 nos. of documents as " Exhibits" and further visited all possible places for the purpose of the said Commission to find out whether there was/is any clue of possible death of Netaji alleged to have claimed or took place and also took other help of investigations to come to the conclusion as per terms of reference, seriatim is as follows :-

- a) Netaji Subhas Chandra is dead ;
- b) He did not die in plane Crash as alleged ;
- c) The ashes in the Japanese temple are not of Netaji;
- d) In absence of any clinching evidence a positive answer cannot be given ; and
- e) Answer already given in (a) above ;

As regards the Ancillary query (vide paragraph 3 of the notification) the Commission is of the view, consequent

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/ upon its above findings - that in undertaking the scrutiny of publications touching upon the question of death or otherwise of Netaji, the Central Government can proceed on the basis that he is dead but did not die in the plane crash, as alleged.

7. That the report of the Mukherjee Commission was submitted by the Hon'ble Justice Manoj Kumar Mukherjee on 08.11.2005 to the Government of India, and the Commission report was tabled in the Parliament of India on 17.03.2006 when the Government of India in the "Action Taken Report" (ATR) has expressed their view and/or stand that the Government of India has rejected the findings of the Commission, saying that it did not agree with the findings. Such rejection was without showing any reason and further upheld the earlier two reports - the Sha Nawaz Inquiry Committee held in 1956 and Khosla Commission held in 1970 but the same were declined to accept by the former Prime Minister Morarji Desai, in August, 1978 while sitting in the floor in the Parliament and he cancelled the same unhesitatingly.

The xerox copied of the Mukherjee Commission Report on 'Netaji' collected from web-site are enclosed herewith and marked as Annexure - P/1.

8. That since the Mukherjee Commission was set up or constituted through the Judicial intervention and since the

contd....

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name of the Chairman was given by the Chief Justice of the Hon'ble Supreme Court of India and thus, was appointed the sanctity, reliability and credence are obviously claimed to be much more than that of earlier Inquiry Committee led by She Nawaz and Khosla Commission led by D.S. Khosla in this regard. The said report was filed by the Mukherjee Commission absolutely based on available evidence and it has reflected a complete light and clear vision in the matter of alleged death of Netaji Subhas Chandra Bose and thus, the people are agreed to accept the said report with due respect from the core of their hearts. It is further stated that the earlier two, Committee and Commission, were constituted by the Government of India of their own accord on which the Government of India had the control and supervision in all respect for which the same had lost the confidence or credence of the people at large. Furthermore, the earlier two, Committee and Commission, had never visited any possible place of death allegedly claimed to have taken place on 18.03.1945 at Taihoku in Taiwan. Furthermore, Colonel Habibur Rahman appeared before the She Nawaz Committee,

:- 19:-

when he did not face any cross-examination, but he did not appear before the Khosla Commission in order to avoid cross-examination and even the Government of India made no arrangement or attempt to ensure his presence before the said Khosla Commission as a result the entire purpose for such Committee and Commission were frustrated and/or miserably failed. Inspite of such glaring defects, the ~~xxxx~~ earlier two Committee and Commission were honoured and was inclined to accept by the Government of India and in reality the Government of India has accepted the same and still the Government of India stick to their earlier stand and thus, the Government is not inclining to accept the report submitted by Mukherjee Commission.

10. That thereafter much water have been allowed to flow over the river Ganges but the Government of India has not come forward or tried to put the matter for a permanent end and for some political motivation they want to clutch the earlier Committee and Commission report and they are not leaving their inclination as yet for the same which has

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/ culminated this present writ petition challenging their
indomitable purportive stand taken in this regard but they
are not placing the Mukherjee Commission report for open
debate before the members of Parliament and the reason best
known to them. Be it stated here that the Government of
India never has shown any interest in this matter and had
there been any interest to bring in public confidence in
this regard, it was their solemn duty for this National
Aero to place the matter for open debate and should not re-
treat in this way of patronising the old cherish concept
in disguise.

14. That it is further stated that if it was the firm
indomitable insurmountable stand with regard to death of
Netaji, the Government of India could have challenged the
into Constituting Commission of Inquiry
matter, further before the Hon'ble Supreme Court of India
and they could have expressed their negative view for
constituting and spending public money for the further
Commission on the death of Netaji. It is really curious
enough that the Government of India, Ministry of Home
Affairs vide Notification, New Delhi, the 14.5.1999, Memo
No. S.O. 339(E) has appointed a Commission of Inquiry

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of Mr. Justice M.K. Mukherjee, a retired Judge of the Supreme Court of India and when for the Commission a lot of money was spent from the public exchequer to put an permanent end to the matter and when after a long endeavour and/or effort and after completion of a mammoth ^{strenuous efforts} ~~straining~~ works, the Commission had ^{completed its work} ~~submitted~~ the report and brought in, the confidence of the public, the Government of India rose to the occasion to clutch their earlier stand and the Government of India (hereinafter referred to as the "said Government") has not accepted report of Mukherjee Commission and uphold their earlier view or stand in this regard. It is further stated that after spending public money from public exchequer for this present Commission and after submission of report, there must be public accountability for upholding the earlier two reports or stand by the Government in this regard. Moreover, the Government could have clear their stand that even after third Commission, i.e. Mukherjee Commission they would never change their earlier stand taken by the Government India with political motivation and/or some other purpose.

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The xerox copy of the said Notification dated 14.05.1999 issued under Memo No. 339(E) is enclosed herewith and marked P-2 as Annexure P-2.

12. That being the position the Government of India should come forward with a formal declaration of death of Netaji Subhas Chandra Bose, otherwise, the Government has ^{got} no right to spend the public money from the public exchequer for upkeep ^{at} and maintenance of the ^{Rankoji} Temple in Taihoku, Japan and/or to preserve and reserve the ashes alleged to have been claimed of Netaji Subhas Chandra Bose and in the event if such formal declaration is not forthcoming, the Government of India should forthwith stop all expenditures in respect of alleged death of Netaji Subhas Chandra Bose and if there be any other expenditure for research works of death on Netaji Subhas Chandra Bose from the public exchequer, it is also required to be stopped with immediate effect for public interest inasmuch as the country like ours where more than 50% people live under poverty line, never support such wasteful expenditure of public money from public exchequer for unnecessary purpose with political motivation. Furthermore,

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if there be any institute for continuous research on Netaji's death holding firmly the date of death is on 13.03.1945 in plane crash in Taihoku, in Japan such institute after submission of Mukherjee Commission's Report before the Government of India, required to be intertered with or derecognised for all purpose for the interest of the people at large, otherwise, the under-current will ^{to flow,} be continued, which would result in the slur and/or disregard to the prestige, dignity and the status of the National Hero Netaji Subhas Chandra Bose and also public commotion, resentment, furor throughout the breadth and length of the country could not be put to an end, which was not the object of this Commission.

13. That the conducts of the Government as stated herein above, are incredible and some vested interest the people who are still inclined to hold the earlier decision as sacrosanct or authentic but without any basis causing thereby direct slur or disregard to the National Hero, who had intentional importance in all respect and their only purpose is to lower down the prestige, dignity and high ideals of Netaji Subhas Chandra Bose which

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the people still possess the unfathomed and unshaken faith in their core of the hearts inasmuch as the people have enthroned their beloved National leader in the minds and the people do not want any sort of slur or disregard to the Hero by the Countrymen or by the Government or by any Institution.

14. That it is further stated that it was revealed that the Government of India neither extended full co-operation in matter of despatching the documents or records relating to the enquiry on alleged death of Netaji in Plane Crash on 18.3.1945 nor the said Government obeyed or followed the provision of the Public Records Act, 1993 and utterly violated the prescribed procedure for keeping public record and brushed aside the liability and accountability for the maintenance of the public records like Netaji Subhas Chandra Bose by merely filing an affidavit in this regard before the Mukherjee Commission. No explanation was given regarding cause of destruction and by whose order the said sensitive file was destroyed, and when it was destroyed and why the master file was not preserved and why the only file of Netaji Subhas Chandra Bose was destroyed etc. and the Government mysteriously and deliberately silent for political motivation. Therefore, it is clearly evident that the

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Government has acted absolutely against the public interest and/or public good for which the concerned officials of the said Department are required to be suitably dealt with in accordance with law for gross negligent and dereliction of duty. It is, in fact, a contemptuous conduct and/or treacherous activities with the people at large as well as the Nation.

15 That it is further stated that the Right to Information Act, 2005 in conjunction with Fundamental right enshrined under Article 19(1)(a) of the Constitution of India have strengthened the rights to information from the Government and/or public bodies by virtue of provisions of the said statute and thus, the petitioners are entitled to know whether the Government had/had stopped the said wasteful expenditure for Renkeji Temple in Japan with regard to alleged death of Netaji and further wanted to know whether the Government has decided to place the said report of Mukharjee Commission for open debate before the members of the Parliament. The petitioners though sent the representation dated 27.9.2006 in detail to the concerned respondents seeking immediate stopping of said wasteful expenditure and to place the said

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report of Mukherjee Commission for open debate before the members of the Parliament. The petitioners though sent the representation dated 27.09.2006 in detail to the concerned Respondents seeking immediate stopping of said wasterul expenditure and to place the said report before the members of the Parliament but till date no reply is discernible from any corner or end.

The Xerox copy of the said representation dated 27.09.2006 in this regard is enclosed herewith and marked P-3 as Annexure P-3.

[5. That it is further stated that Netaji Subhas Chandra Bose, the National Hero of our country having international ^{importance or} importance and/or recognition is neither confined to only "Bose Family" nor is confined to any "Geographical limit" nor could be claimed as personal property, rather Netaji is claimed to be the beloved leader and brave son of mother India and is concerned for the all and sundry of the Nation. Therefore, any personal claim from any corner ^{is required to} to Netaji Subhas Chandra Bose, be unhesitatingly ignored or overlooked for the interest of the Nation. Now the prestige, dignity and status of Netaji are the concerned

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/ for all the citizens of India and thus, the Respondent no. 5 cannot claim absolute rights to continue such purportive research works, which is denegrating or lowering down the prestige, dignity and honour of the world famous national hero Netaji Subhas Chandra Bose. Therefore, as citizens of India the petitioners alongwith others raise the voice of protest to the said ^{conniving} ~~conductive~~ act or activities.

17. That it is further stated that the Government of India at the present wants to hand over the alleged ashes of Netaji Subhas Chandra Bose kept in the Renjoji Temple in Japan for about 60 years to Ms. Anita Das, daughter of Netaji and further desire to settle the disputes in this way and the Government of Japan was also persistently pressurising the Government of India as alleged for which the apparent solution to be taken and unless and until the said alleged ashes is handed over, the Government would bear the maintenance cost of the said temple. The said News was published in the Anandabazar Patrika dated 07.12.2006 wherein it was also inter alia firstly contended that the Government of India would bear the major part

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of the maintenance and other related expenditure and in this regard the Japan Government would be assured very shortly and further necessary money would be given to ^{which is} Trust, under the main priest of Renjoji Temple and secondly it was contended that the permission would be given to hand over the said alleged ashes to Ms. Anita Pap if she wants to take the same.

The Xerox copy of the News paper cutting containing the said news published in the Anandabazar Patrika dated 07.12.2003 is annexed herewith and marked with the letter

P-4.

P-4.

18. That the petitioners apprehend that the Government of India due to pressure given by the Government of Japan to take back the alleged ashes kept in Renkuji Temple at Japan has decided to bring back the said alleged ashes to India and full preparation for bringing and staking the same ^{be taken} in India, ^{Hence,} very shortly, ^{is urgently required} ~~has~~ an interim order, to restrain the authorities of Government of India from accepting the said alleged ashes and staking the same till the disposal of the instant writ application.

19. That being aggrieved by and dissatisfied with the apathetic, deliberate and wilful attitude of the

Government of India towards Netaji Subhas Chandra Bose and for incurring huge amount of public money from the Government Exchequer for preserving and reserving the so-called ashes of Netaji allegedly kept in the Renjoji Temple in Japan and also for not placing the report submitted on 03.11.2005 by Mukherjee Commission for open debate or discussion before the members of the Parliament, beg to move this instant application on the following amongst other

G R O U N D S :-

- I. FOR THAT the Respondents acted illegally, arbitrarily, discriminatorily and whimsically inclining to incur huge amount of public money from the Government Exchequer for the maintenance of Renjoji Temple in Japan to keep the alleged ashes of Netaji Subhas Chandra Bose who allegedly died on 13.03.1945;
- II. FOR THAT the Respondent concerned when inclined to uphold the earlier two Committee and Commission reports in this regard, further notification of Commission of Inquiry for the same reason was uncalled for and to camouflage the

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People with a view to
neutralise the public commotion;

III. FOR THAT the Respondents concerned ought to have given much more weightage or importance on Mukherjee Commission since the said Commission was constituted by the order of the Hon'ble High Court, Calcutta passed on 30.04.1938 in W.P.No. 231 of 1938 and the name of the Chairman of Commission of Inquiry was given by the Chief Justice of the Hon'ble Supreme Court of India and the Commission was constituted accordingly, whereas the other two Committee and Commission were not constituted by the judicial intervention, however, the Government of India did not accept report submitted by the Mukherjee Commission and without assigning any reason the same was cancelled / rejected;

IV. FOR THAT the concerned Respondent is arbitrarily and illegally spending public money from the Government Exchequer for patronising or encouraging the research works on the alleged death of Netaji Subhas Chandra Bose claiming to have taken

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place on 13.03.1945 as such the said expenditure for
~~Constitution~~
Constitution of research work incurred for the
Respondent no.5 in the name of Netaji Research
Bureau be stopped forthwith ;

V. FOR THAT since the Government money is the public
money, there should be an accountability before the
citizens of India with regard to any such expenditure
with political motivation on the Netaji Subhas
Chandra Bose, which is against the public interest
or public policy or public good ;

VI. FOR THAT without any formal declaration of death of
Netaji any attempt to spend further amount for
maintenance of Renjoji Temple in Japan allegedly
keeping the ashes of Netaji and after submission of
report of Mukherjee Commission, is absolutely
derogatory and vile conduct on the part of the
Government as such the said conduct is depreciatory
and disparaging too ;

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VII. FOR THAT the Respondent concerned ought to have placed the Commission Report submitted by the Hon'ble Justice Manoj Kumar Mukherjee (Retired) on 03.11.2005 before the members of the Parliament for open debate or discussion, otherwise it would carry a wrong message to the public and for the reason of withholding the said report for open debate, reliance or credence of the public upon the Government of democratic set up would be declined to a great extent ;

VIII. FOR THAT the citizen has the right to know how much amount of public money was incurred till date to preserve and reserve and/or for the purpose of the maintenance of the Renjoji Temple allegedly keeping the ashes of Netaji Subhas Chandra Bose due to alleged death of Netaji on 13.03.1945 and such right has been strengthened for enactment of right to Information Act, 2005 and thus, as the citizen of India the petitioners are entitled to know such quantum of said wasteful expenditure for Netaji's ~~ashes~~ alleged ashes;

IX. FOR THAT in any view of the above matter the conduct of the Respondent concerned are not above board in all respects ^{as} ~~where~~ greater public interest is involved and, thus, hed in law and liable to be interfered with by this Hon'ble court.

20. That since our Government is democratic Government, in that view a duty has cast upon the Government to honour the public sentiment relating to the said National issue and all the citizens are concerned for the same and in such a situation the Government is required to unhesitatingly unveil their stand on the National Hero Netaji to put a permanent end at the said National issue, which was the only and/or sole object of the Mukherjee Commission.

21. That it is further stated that no other writ petition was filed by the petitioners on the self-same cause or action in this Hon'ble court or anywhere.

22. That the records are located in the ordinary original civil Jurisdiction of this Hon'ble court and direction may be given to the Respondents concerned to produce all relevant records relating to mysterious death of Netaji Subhas

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Chandra Bose and previous enquiry reports in this regard including the representation and notification as stated hereinabove at the time of hearing of this writ petition.

23. That there is no other alternative suitable / efficacious legal remedy open to your petitioners to seek / ~~save~~ save and except filing the writ petition for remedy / and, if any relief be given, the same to be adequate and complete relieves.

24. That the application is made on good faith and to secure the ends of justice.

Under the above facts and circumstances, it is prayed that your Lordships may be graciously pleased to issue :-

a) A writ and/or writs in the nature of Mandamus commanding the Respondents, their men, agents, sub-ordinates, superiors, successors in office to refrain from incurring further public money from Government Exchequer for maintenance and upkeep of the Renkoji

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Temple in Japan allegedly keeping the ashes as that of Netaji Subhas Chandra Bose who allegedly died on 18.08.1945 forthwith ;

b) A writ and/or writs in the nature of Mandamus commanding the Respondents concerned, their men, sub-ordinates, superiors, successors-in-office to place the Commission report submitted by the Hon'ble Justice Manoj Kumar Mukherjee (Retired) on 08.11.2005 before the Members of Parliament for open debate or discussion immediately;

c) A writ and/or writs in the nature of Mandamus directing the Respondents concerned refrain from incurring any amount for the Respondent No.5 from public Exchequer to continue research work on any issue pertaining to Netaji including the alleged death of Netaji Subhas Chandra Bose ;

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d) A writ or and/or writs in the nature of
Certiorari directing the Respondent
concerned to transmit and certify all
relevant records relating to Enquiry on
the alleged death of Netaji on 13.03.1945
allegedly took place in Plane Crash in
Taihoku, Japan including the representa-
/ tions being Annexure - " P/3 " and the
/ notification being the Annexure - " P/2 "
at the time of hearing of the writ
petition and so as to render the
conscionable justice after perusing the
same ;

4 e) A writ and/or writs in the nature of
[Prohibition forbidding the Respondents
nos. 1 to 4 from incurring any amount
of public money from public Exchequer for
preservation and reservation and/or
maintenance of Renkoji Temple, Japan
allegedly keeping the ashes of Netaji

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allegedly died on 18.08.1945 till the disposal of this writ petition ;

f) Rule Nisi in terms of prayers (a), (b), (c), (d) and (e) as aforesaid ;

g) An ad-interim order restraining the concerned Respondent from taking any step or steps to accept and/or bring or staking the alleged ashes kept in the Rankoji Temple at Japan till the disposal till the disposal of the instant application

h) Any other or further writ or writs, order or orders, direction or directions as your Lordships may deem fit and proper.

And you petitioners, as in duty bound shall ever pray.

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AFFIDAVIT

I, Ashim Kumar M Ganguly, Son of Late Netai Chandra Ganguly, aged about 45 years, by religion Hindu, by profession - lawyer, residing at 90, A. K. Mukherjee Road, 3rd Floor, Police Station Baranagar, Kolkata - 700090, do hereby solemnly affirm and declare as follows:-

1. That I am the petitioner No. 1 of this instant Writ petition as such conversant with the facts and circumstances of the case.

2. That the statements made in Paragraph No. 1, 2, 3 (Part), 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 are true to my knowledge and the statements made in Paragraph No. 1, 2, 3 (Part), 4, 18 are true to my information derieved from the relevant records which I verily believe to be true and rest are my humble submission before this Hon'ble Court.

Prepared by me in my office.

Sd/- Ashim Kumar Ganguly
Petitioner-in-person.

Sd/- Ashim Kumar Ganguly,

The deponent is known to me.

Abolus Salam,

Clerk to Mr.....

Advocate,

Solemnly affirm before me

this 15th day of December, 2006.

COMMISSIONER OF OATH.

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11 AFFIDAVIT 11

I, Subhash Chandra Basu, Son of Late Surendra Nath Basu, aged about 41 years, by religion Hindu, by profession - lawyer, residing at 86, Sadar Boxi Lane, Post and Police Station, and District - Howrah, Pin code : 711101, do hereby solemnly affirm and declare as follows:-

1. That I am the petitioner No. 2 of this instant Writ petition as such conversant with the facts and circumstances of the case.
2. That the statements made in Paragraph No. 1, 2, 3 (part), 5, 6, 7, 8, are true to my knowledge and the statements made in Paragraph No. 1, 3, 4, 18, are true to my information derived from the relevant records which I verily believe to be true and rest are my humble submission before this Hon'ble Court.

Sd/- Subhash Chandra Basu

Prepared in my me in my Office. The deponent is known to me.

Sd/- Subhash Chandra Basu Clerk to Mr. *A. Banerjee*,
Petitioner-in-person. Advocate.

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Solemnly affirmed before me
this 15th day of December, 2006.

COMMISSIONER OF OATH.

(25)

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ANNEXURE - P/1

(81)

Mukherjee Commission

From Wikipedia, the free encyclopedia

Jump to: [navigation](#), [search](#)

The Mukherjee Commission refers to the one-man board of Mr. Justice Manoj Mukherjee, a retired judge of the Supreme Court of India which was instituted in 1999 to enquire into the controversy surrounding the reported death of Subhas Chandra Bose in 1945.

On April 30, 1998 that the High Court of Calcutta gave orders to the then BJP-led Government to "launch a vigorous inquiry as a special case for the purpose of giving an end to the controversy".^[1]

The purpose of the commission was the ascertain the following:

1. Whether Netaji Subhas Chandra Bose is dead or alive;
2. If he is dead whether he died in the plane crash, as alleged;
3. Whether the ashes in the Japanese temple are ashes of Netaji;
4. Whether he has died in any other manner at any other place and, if so, when and how;
5. If he is alive, in respect of his whereabouts.

The commission is also the first to probe into the much publicized Soviet-connection. The basis of which are that Netaji Subhas Chandra Bose did indeed survive the end of the Second World War, and detained in a Siberian camp in the late 1940's. A former Russian General swore under oath to the commission that he had seen a true Soviet-cabinet paper detailing and discussing a "living" Subhas Chandra Bose, one year after his supposed death.

Many, however, feel that with a new Congress controlled government now in power, the commission's results may be undermined. Many conspiracies abound, and many contain specific details that are damaging to the Congress Party and Indian Prime Minister Jawaharlal Nehru.

Three researchers who helped find the declassified documents in the military archives of Paddolsk, Russia, Purabi Ray, Hari Vasudevan and Shobanlal Dutta Gupta, have also reported threats from unidentified persons upon their lives, if they did not stop their research. Many files and documents by the Union Home Ministry have been deemed a risk to national security and under Sections 123 and 124 of the Evidence Act and Article 74(2) of the Constitution of India, have not been disclosed to the commission.

The Mukherjee Commission is also not the first commission created to ascertain the death of Netaji Subhas Chandra Bose. The two previous commissions were the Shah

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Newaz Commission (appointed by Jawaharlal Nehru) and The Khosla Commission respectively. The Khosla Commission, created by the government of Indira Gandhi (daughter of Jawaharlal Nehru), reported that all documents relating to Prime Minister Nehru and the reports of Netaji Subhas Chandra Bose were either missing or destroyed.

[edit] Govt of India rejects Mukherjee Commission report

The Mukherjee Commission report was tabled in the Parliament of India on May 17, 2006. The report said that Netaji did not die in the alleged air crash of 1945 and the ashes at the Renkoji temple are not his ashes. The report also did not comment on Netaji's alleged stay in Russia after 1945 and called for further investigation into the matter. However, the report said that Netaji could be presumed to be dead today.

The Govt of India has rejected the findings of the Commission, saying that it did not agree with the findings.

[edit] Mukherjee Commission report submitted

The Death of Netaji remains a mystery. No one cooperated in the investigation and consequently the JMC of enquiry was forced to submit its unfinished work to the home minister Shivraj Patil. The main reason for this is the non-cooperation shown by the home ministry. The dissatisfaction caused resulted in Justice Mukherjee sending the report through his secretary rather than submit it in person.

During the whole tenure of the investigation, only one country, Taiwan has shown any real cooperation. Even the Govt of India refused to share some important intelligence files under the pretext of them being sensitive. The GoI will be tabling this report along with the ATR to the parliament. At the moment the home minister has passed on this 500 page report to the CS division of the ministry for scrutiny.

Subrata Bose, who was present in all the international trips made by the JMC has said that apart from Taiwan, no other country has shown any cooperation. On the basis of the information available from Taiwan it is now confirmed that no air-crash took place on 18th August 1945 which could have killed Netaji as previously propagated.

The commission had tried to uncover facts from trips to Japan, Taiwan and Britain. The UPA govt has permitted the commission to visit Russia. Bose said that Russia too did not cooperate in this investigation. Officials in Russia had said that files were present in the former KGB archives but the commission was not even allowed to visit the archives. The hostile posture of the British, Japanese and Indian governments is intriguing and seems to strongly point to an international conspiracy. In any case it is clear that Netaji Bose was seen in Russia in 1946. Lately American state department has sent information to the commission which corroborate the fact that no aircrash

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took place in Taiwan. The request for intelligence papers from the Govt. of India elicited the official response that they cannot be opened as they are of a highly sensitive nature that may jeopardise international relations between India and some of its friend nations.

The JMC commission was formed by the former NDA Government to investigate the mystery surrounding Netaji's death at the end of world war II. The only kindness shown by the UPA Govt was to extend the commission's tenure by 6 months - from May 2005 to 14th November 2005. But the commission has now submitted its report to the Govt before the end date.

[edit] External links

<http://www.rashtriyasahara.com/20051109/National.htm#2005110984>

Indians for Action - No. 1 site on the Netaji disappearance case
<http://www.indiansforaction.com>

Mission Netaji - Committed to find the truth behind the disappearance of Netaji
<http://www.missionnetaji.org>

Post Mukherjee Commission News Updates http://www.geocities.com/aug_18_1945/

May 17th, 2006. Mukherjee Commission report made public by the Indian Government along with the Government's criticism.

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ANNEXURE - P/2

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GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 14.5.99

S.O.339(E) - Whereas the Shah Nawaz Khan Committee and the Khosla Commission of Inquiry appointed by the Government of India in April, 1956 and July, 1970 respectively to inquire into and to report to the Government of India on the circumstances concerning the departure of Netaji Subhas Chandra Bose from Bangkok about the 16th August, 1945, his reported death as a result of an aircraft accident, and subsequent developments connected therewith had come to the conclusion that Netaji Subhas Chandra Bose met his death in an air crash;

And, whereas there is a widespread feeling among the public that the issue of finding the truth about Netaji's death still remains;

And, whereas there has been a consistent demand for a further inquiry into the matter;

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And, whereas the Calcutta High Court also directed the Government of India for a vigorous inquiry in accordance with Law, if necessary, by appointing a Commission of Inquiry for the purpose of giving an end to this controversy;

And, whereas a Motion was adopted on 24.12.1998 by the West Bengal Legislative Assembly wherein a demand has been made for a fresh inquiry into the matter to remove the mystery regarding the whereabouts of Netaji Subhas Chandra Bose;

And, whereas the Central Government is of the opinion that it is necessary to appoint a Commission of Inquiry for the purpose of making an in-depth inquiry into a definite matter of public importance, namely, the disappearance of Netaji Subhas Chandra Bose in 1945;

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (2) of section 3 of the Commissions of Inquiry Act, 1952 (60 of 1952), the Central Government hereby appoints a Commission of Inquiry consisting of Mr. Justice M.K. Mukherjee, a retired Judge of the Supreme Court of India.

2. The Commission shall inquire into all the facts and circumstances related to the disappearance of Netaji Subhas Chandra Bose in 1945 and subsequent developments connected therewith including :-

- (a) whether Netaji Subhas Chandra Bose is dead or alive;
- (b) if he is dead, whether he died in the plane crash, as alleged;
- (c) whether the ashes in the Japanese temple are ashes of Netaji;
- (d) whether he has died in any other manner at any other place and, if so, when and how;
- (e) if he is alive, in respect of his whereabouts.

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3. The Commission shall also examine the manner in which the exercise of Scrutiny of Publications touching upon the question of death or otherwise of Netaji can be undertaken by the Central Government in the circumstances.

4. The Commission shall submit its report to the Central Government as soon as possible but not later than six months from the date of publication of this notification.

5. The headquarters of the Commission shall be at New Delhi, and/or any other place as determined by the Commission.

6. The Central Government is of the opinion that, having regard to the nature of the inquiry to be made and other circumstances of the case, all the provisions of sub-section (2), sub-section (3), sub-section (4) and sub-section (5) of section 5 of the Commissions of Inquiry Act, 1952 (60 of 1952) should be made applicable to the said Commission and the Central Government in exercise of the powers conferred by sub-section (1) of the said section 5, hereby directs that all the provisions of the said sub-sections (2) to (5) of that section shall apply to the Commission.

Sd/-

(NIKHIL KUMAR)
SPECIAL SECRETARY (ISP)

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ANNEXURE - P/3

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SPEED POST WITH A/D.

FROM: SRI ASHIM KUMAR GANGULY
90, A.K. Mukherjee Road,
3rd floor, Kolkata - 700090
-And- Ph: 2531-1861

SRI SUBHASH CHANDRA BASU
86, Sadar Boxi Lane,
Howrah - 711101.
Ph: 2640-1217

To

Date: 27.09.2006.

1. The Hon'ble Prime Minister,
Government of India, Office of Prime Minister,
7, Race Course Road, New Delhi - 110003
2. The Hon'ble Minister of Foreign Affairs,
Government of India, New Delhi:
3. The Hon'ble Minister for Home Affairs,
Government of India, New Delhi:
4. The Hon'ble Minister of Parliamentary Affairs,
Government of India, New Delhi:

Sir (S),

With deep sense of regards being the responsible citizen we felt it necessitated to put forth the following points for your immediate intervention so as to bring the people of India into confidence into the question of alleged death of the National Hero Netaji Subhas Chandra Bose and put an end to the same:-

1. It is a matter of great ^{importance} that the Government of India has not accepted the reports made by the Netaji Enquiry Commission namely Justice Monoj Mukherjee Commission set up by the Government of India and placed the report before parliament for discussion at great length.
2. The apathetic attitude of the Government of India in not accepting the report and placing the same before the Parliament has widely been circulated in the leading News papers in the country and also echoed the same through the Electronics media, which made furore in the mind and sentiment of the public at large throughout the breadth and length of our country.
3. It will not be exaggeration to enunciate that the Justice Monoj Mukherjee Commission was set up by the Solemn order of the Hon'ble High Court at Calcutta passed in the case of Ashim Kumar Ganguly - Vs - Union of India and Ors. being W.P.No.1805 of 1997 and also following an unanimous motion adopted on 24.12.1998 by the West Bengal Legislative Assembly, Government of West Bengal, and then the Chief Justice of the Hon'ble Supreme Court of India selected name of Hon'ble Justice Monoj Kumar Mukherjee (Retired) of the Hon'ble Supreme Court of India and ultimately it was constituted in 1999.

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4. As per the terms of reference the Commission was constituted to find out the clue of mysterious disappearance of Netaji Subhas Chandra Bose and/or unearth whether Netaji Subhas Chandra Bose died in alleged Plane crash that took place at Taihoku (now Taipei) in Taiwan (formerly Formosa) on 18th August, 1945 and also to find out whether the alleged ashes kept in the Renkoji Temple in Tokyo, Japan as that of Netaji Subhas Chandra Bose or not.

5. Can it not be emphatically demanded that it is the duty of all citizens to know the cause of death and/or place of death if it really happens of such national leader and hero unlike Subhas Chandra Bose. The doubts have concretised in the minds of all Indians about such alleged reporting of death news of Netaji Subhas Chandra Bose and also alleged ashes staked in the Renkoji Temple since the earlier two attempts made by the Government of India to find out the aforesaid queries by setting up Shah Nawaz Inquiry Committee in 1956 and by Khosla Commission in 1970 which failed to achieve the credence of the public at large. Furthermore, the then Hon'ble Prime Minister Morarji Desai on August, 1978 declined to accept the said two earlier Committee and Commissions' report on Netaji Subhas Chandra Bose and cancelled the same while sitting in the Parliament.

6. Therefore, considering the above facts the Hon'ble Mukherjee Commission was constituted through the judicial intervention and its sanctity and reliability are much more than that of the earlier two Committee and Commission in this regard and thus, the people of India have eagerly accepted the findings of Mukherjee Commission in as much as it was based on evidence and it will also reflect the complete light and clear vision and/or complete light in the matter of alleged demise of Netaji Subhas Chandra Bose, the National Leader of the country having national regard all over the country and Crowned with international honour over the world.

7. In this context the above undesired action of the Government of India rejecting the report of Mukherjee Commission is really shocking and heart-breaking for the people of India. The Government of India has ignored the strong public sentiments over the long cherished reserved issue, which is rared up or nurished

contd....3

by the Government of India. It may cause volcanic eruption in future if such ignorance is continued. It is, therefore, necessary that the Government of India should raise to the occasion and to give proper regard to the sentiment of the people of the country.

8. It is further stated that the citizen has a right to know the reason of such unreasonable rejection of report of Mukherjee Commission and also not placing the same before the parliament for wide discussion is a drastic attempt of the Government to turn a deaf ear to the rights enshrined under Article 19 of the Constitution of India and the said right has been consolidated and codified by the Parliament of our country enacting the Right to Information Act, 2005 and therefore, under the above Constitutional provision and under the said codified Act the people are entitled to know the real reason for such hostile rejection of report. Therefore, the people want to know the reason of such rejection. The apathetic attitude of the Government has strengthened the doubts and causes serious consequences in the minds of the people at large.

9. It is further stated that the Government of India in earlier occasion made attempt to award posthumous "Bharatratna" to Netaji Subhas Chandra Bose and further attempt was made to bring the alleged ashes of Netaji Subhas Chandra Bose without any formal declaration of death of Netaji. The purported attempts were ultimately abandoned due to filing a Writ petition in the Hon'ble Supreme Court of India challenging such arbitrary, whimsical and irrational decision of the Government of India. Till date the Government of India has neither declared the date of death of Netaji Subhas Chandra Bose nor abandoned the wasteful expenditure of Government exchequer for maintaining the temple at Renkoji ^{at Govt of the} temple in Japan to keep the alleged ashes of Netaji Subhas Chandra Bose. This decision for bearing the cost for such maintenance is nothing but national wastage of public money from exchequer for which the Government is questionable before the public at large with regard to such unwarranted and undesirable expenditure. Moreover, it is an absolute non-democratic decision of the democratic country where the more than 60% people live below the poverty line. Thus, it is required to be immediately stopped the said expenditure for the interest of the nation. The exordium in this regard is totally unsustainable and not praiseworthy.

9. The people of this country share a common view that Netaji

9/2/2011

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Subhash Chandra Bose would be given honour much from the core of hearts if any real attempt is made to find out the clue of alleged death of Netaji Subhash Chandra Bose and immediately if the said expenditure is discontinued and no attempt be made to maintain the said temple cost unless there was/is a formal declaration of death to that effect. The report of the Justice Mukherjee Commission opined that the ashes kept in the Renkoji Temple in Japan is not of Netaji Subhas Chandra Bose.

Under the above facts and circumstances you are requested to immediately stop the expenditure for the maintenance of the so-called ashes kept in the Renkoji Temple at Japan and inform the applicants forthwith the reason for such rejection and/or non-acceptance of report of Mukherjee Commission within 10 days - failing which the undersigned will have no other alternative except to knock at the door of the temple of justice for seeking appropriate order from the Hon'ble Court.

An early reply to the context of the instant appeal will be appreciated and also may restrain the hands of the undersigned to move further.

Yours faithfully,

- Ashim Kumar Ganguly*
1. (Ashim Kumar Ganguly)
- Subhash Chandra Basu*
2. (Subhash Chandra Basu)

INDIA POST
New Delhi, PIN-110011
Counter No: 10/10-Code: 10114
To: H.A. (Govt) of India
From: SUBHASH CH BASU, NEW-1
At: 12.00, 20/09/2006, 12:15
Taxes: Rs. 4.00 (Have a nice day)

INDIA POST
New Delhi, PIN-110011
Counter No: 10/10-Code: 10114
To: H.A. (Govt) of India
From: SUBHASH CH BASU, NEW-1
At: 12.00, 20/09/2006, 12:15
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INDIA POST
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To: H.A. (Govt) of India
From: SUBHASH CH BASU, NEW-1
At: 12.00, 20/09/2006, 12:15
Taxes: Rs. 4.00 (Have a nice day)

DISTRICT : HOWRAH

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(APPELLATE SIDE)

W. P. No: 27541 (W) of 2006

In the matter of :

An application under Article 226 of the
Constitution of India;

-And-

In the matter of :

A Writ and/or writs in the nature of
Mandamus;

-And-

In the matter of :

A Writ and/or Writs in the nature of
Mandamus;

-And-

In the matter of :

A writ and/or writs in the nature of
Prohibition;

:: 2 ::

-And-

In the matter of :

A writ and/or writs in the nature of
Certiorari;

-And-

In the matter of

Any other writ or writs, order or orders.
direction or directions;

-And-

In the matter of :

The Right to information Act, 2005;

-And-

In the matter of :

The Commission of Inquiry Act, 1952 and
Rules framed thereunder;

-And-

In the matter of :

The Public Records Act, 1993;

(263)

(156)

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-And-

In the matter of :

Violation of the provisions of Article 14, 19

(i) (a), 51A(b) and 21 of the Constitution of India;

-And-

In the matter of :

Apathetic attitude of the concerned authorities in considering the representation dated 27.09.2006;

-And-

In the matter of :

Illegal and arbitrary decision of the concerned Respondents for continuous wasteful expenditure of public Money from the Government Exchequer for maintenance of so-called alleged ashes of Netaji Subhas Chandra Bose kept in the Renkoji Temple in Tokyo, Japan;

-And-

Contd.....P/4.

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(157)

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In the matter of :

Non-acceptance of report of Justice Mukherjee Commission constituted to find out the clue of alleged death of Netaji Subhas Chandra Bose allegedly took place in Plane Crash on 18.8.1945;

-And-

In the matter of :

Arbitrary and whimsical decision of withholding the Mukherjee Commission's Report and not placing the same before the members of Parliament for open debate of discussion.

-And-

In the matter of :

Deliberate and willful contravention of the provisions for maintenance of Public Records by the concerned Government and gross dereliction of duties and serious consequences of damage and/or destruction

Contd.....P/5.

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of the same;

-And-

In the matter of :

1. SRI ASHIM KUMAR GANGULY,

son of Late Netai Chandra Ganguly, residing
at 90, A. K. Mukherjee Road, 3rd floor,
Police Station Baranagar, Kolkata-700 090.

2. SRI SUBHASH CHANDRA BASU

son of Late Surendra Nath Basu, residing at
86, Sardar Bosi Lane, Police Station and
District-Howrah, Pin Code No. 711 101;

..... **Petitioners.**

-Versus-

1. Union of India,

service through the Secretary, Ministry of
Home/Affairs (North Block), Government of
India, New Delhi.

2. Principal Secretary,

Office of the Prime Minister, Government of
India, 7, Race Course Road, New Delhi.

(211)

(159)

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3. Secretary,

Ministry of Foreign Affairs, Government of
India, New Delhi.

4. Secretary,

Ministry of Parliamentary Affairs,
Government of India, New Delhi.

5. Director

Netaji Research Bureau,
38/2, Lala Lajpat Roy Road, Kolkata-20.

.....Respondents.

AFFIDAVIT - IN - OPPOSITION ON BEHALF
OF THE RESPONDENTS HEREINABOVE

I, Naresh Jaiswal son of Shri K. Choudhary, aged about 44 years, by occupation Service under Government of India and posted in New Delhi residing at No. 111-P, Type-III Quarters, Aram Bagh, Paharganj, New Delhi-110 055, do hereby solemnly affirm and say as follows :

1. I am one of the Principal Officer of the respondents as such I am competent to swear this affidavit. I know the facts and circumstances of the case. I have also been authorized to affirm this affidavit on behalf of all the respondents and am otherwise competent to depose to the same.

Contd.....P/7.

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2. That I have come to know that the instant writ petition was heard on 15.02.2008 before Their Lordships the Hon'ble Chief Justice Mr. Surinder Singh Nijjar and the Hon'ble Justice Pinaki Chandra Ghose for filing affidavit-in-opposition.

3. I have read a copy of the writ petition affirmed by the writ petitioners and filed in the Hon'ble High Court under Article 226 of the Constitution of India and I have understood the contents of the same.

4. Before dealing with all paragraphs in the writ petition, at the outset, I state that the instant writ petition is not maintainable under Article 226 of the Constitution of India.

5. With regard to the statement made in paragraphs 1 to 4, 7 & 21 of the writ petition, I state that those are matters of record are admitted and deny and dispute those which are contrary to and inconsistent with the said records.

6. With regard to the statement made in paragraphs 5 of the writ petition, I state that the averments relating to the conferment of Bharat Ratna on Netaji Subhas Chandra Bose, it is stated that the decision to award Bharat Ratna was taken in January, 1992, in view of his public service of the highest order. Keeping in view the widespread public reaction and sentiments of the people and to avoid unnecessary controversy, Government of India decided, notwithstanding the earlier announcement, not to take any further action in the matter. It is stated that

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the Hon'ble Supreme Court also recorded in its order dated 4.8.1997 that "The real controversy in these proceedings relates to the press communiqué. Since no further steps have been taken pursuant to the press communiqué and the matter is treated as closed, we declare that the press communiqué should be treated as cancelled. With this declaration nothing further survives and the various petitions either transferred from the Calcutta High Court or filed in this Court stand disposed of". Regarding bringing the ashes of Netaji Subhas Chandra Bose Kept in the Renkoji Temple, Japan, to India by Ministry of Defence, it is stated that there is no proposal before the Ministry of Defence to bring back the ashes of Netaji to India.

7. With regard to the statement made in paragraphs 6 of the writ petition, I state that Justice Mukherjee Commission of Inquiry was set up by Ministry of Home Affairs vide Notification dated 14th may, 1999 to inquire into all the facts and circumstances related to the disappearance of Netaji Subhas Chandra Bose in 1945 and subsequent developments connected therewith including :

- a) whether Netaji Subhas Chandra Bose is dead or alive;
- b) if he is dead, whether he died in the plane crash, as alleged;
- c) whether the ashes in the Japanese temple are ashes of Netaji;
- d) whether he has died in any other manner at any other place and, if so, when and how;

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e) if he is alive, in respect of his whereabouts.

8. With regard to the statement made in paragraphs 8 of the writ petition, it is submitted that the report of the Justice Mukherjee Commission was examined thoroughly and it was observed that Commission's inquiry was inconclusive in many ways, unable to provide a definitive finding on several issues and at variance with past well accepted inquiry Commissions' findings in some critical areas. It is further submitted that Justice Mukherjee Commission did not provide any finding on point at Sub-para (d) of terms of reference mentioned in reply to para 6 above. Thus, Government of India did not find it possible to accept the findings of the Justice Mukherjee Commission that a) Netaji did not die in the plane crash; and b) the ashes in the Renkoji Temple were not of Netaji and it has accordingly been reflected in the Action Taken Report laid before the Houses of Parliament.

9. With regard to the statement made in paragraphs 9 of the writ petition, it is reiterated that Government of India was not able to accept the report of the Justice Mukherjee Commission inasmuch as the inquiry was found to be inconclusive in many ways and it had not been able to provide definite findings on several issues as mentioned in reply to para 8 above. It is further submitted that though the Justice Mukherjee Commission concluded that Netaji was dead but he did not die in plane crash, the Commission did not answer the point (d) of terms of reference which required the Commission to find out "Whether he has died in any

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other manner at any other place and it so, when and how. The commission on point (d) only said that in the absence of any clinching evidence a positive answer cannot be given. It is denied that Government of India had any control and supervision on the working of earlier Committee and Commission. It is submitted that the earlier Committee and Commission inquired into the matter independently and came out with their own independent findings. It is also submitted that like the justice Mukherjee Commission, Khosla Commission was also appointed under the Commissions of Inquiry Act, 1952. It is further submitted that although Shah Nawaz Committee could not visit Formosa as India had no diplomatic relations with that country at that time, Khosla Commission visited Taiwan (formerly known as Formosa) in connection with the inquiry and this has been recorded in Chapter Eight of its report.

10. With regard to the statement made in paragraphs 10 of the writ petition, it is submitted that the report of the Justice Mukherjee Commission along with the Action Taken Report was placed before both the Houses of Parliament on 17th May, 2006, as required under section 3(4) of the Commissions of Inquiry Act, 1952. It is denied and disputed that Government of India had no interest in the matter, as alleged. It is submitted that Government of India extended full cooperation to the Justice Mukherjee Commission of inquiry into the alleged disappearance of Netaji Subhas Chandra Bose as required from time to time.

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11. With regard to the statement made in paragraphs 11 of the writ petition, it is submitted that Government of India appointed the Justice Mukherjee Commission of Inquiry under the Commission of Enquiry Act, 1952. It is further submitted that the Government of India treated this matter of public importance by issuing said Notification dated 14th May, 1999 appointing Justice Mukherjee Commission of Inquiry, which states that "the Central Government is of the opinion that it is necessary to appoint a Commission of Inquiry for the purpose of making an in-depth inquiry into a definite matter of public importance, namely, the disappearance of Netaji Subhas Chandra Bose". After scrutinizing of the Justice Mukherjee Commission Report, the Government of India submitted and Action Taken Report and placed the same along with the report before the Parliament.

12. With regard to the statement made in paragraphs 12 of the writ petition, I state that the Government of India is not spending any money to maintain the ashes kept in the renkoji Temple, Tokyo. With regard to the averment about expenditure from public exchequer on research work on Netaji. It is submitted that Netaji Research Bureau is an internationally known Institute of History, Politics and International Relations established in 1957. Netaji Research Bureau is celebrating its Golden Jubilee anniversary in the year 2007-2008. The Founder Director of Netaji Research Bureau Dr. Sisir Kumar Bose had collected materials

on the life of his uncle Netaji Subhas Chandra Bose from all over the world for many decades. Apart from a very rich archives the Bureau has a museum and preserved rooms of Netaji which are visited by hundreds of people throughout the year. The Bureau has published 12 volumes of Netaji Subhas Chandra Bose's works. It has also produced documentaries and audio cassettes on him. The Bureau is engaged in preserving and propagating the life and works of Netaji Subhas Chandra Bose for the generations to come. It is run by a body of distinguished persons.

13. With regard to the statement made in paragraphs 13 of the writ petition, I state that there is any vested interest to 'uphold' the earlier reports. It is stated that the Government of India accepted the earlier reports as they were well reasoned in comparison to the JMCI report which did not give complete findings on the terms of reference especially point at (d) of terms of reference as explained in reply to para 9 herein above.

14. With regard to the statement made in paragraphs 14 of the writ petition, I state that the averments made in this para are denied. It is submitted that the Government of India extended full cooperation to the Justice Mukherjee Commission and produced all available records/documents before it. It is submitted that records in the Government of India offices are destroyed/weeded out strictly as per the record retention schedule.

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15. With regard to the statement made in paragraphs 15 of the writ petition, I state that it is denied that the Government of India is spending money to maintain the ashes kept in the Renkoji Temple, Tokyo. The report of the JMCI has already been placed before Parliament on 17th May, 2006.

16. With regard to the statement made in paragraphs 17 & 18 of the writ petition, it is reiterated that Government of India is not spending any money to maintain the ashes kept in the Renkoji Temple, Tokyo. It is also stated that there is no proposal between Government of India and the Government of Japan regarding return of the ashes to India including handling over of ashes to the daughter of Netaji, as averred.

17. With regard to the statement made in paragraphs 19 of the writ petition, I state that the averments made in this para are denied. Government of India attaches high importance to Netaji Subhas Chandra Bose. The JMCI report has already been discussed in Parliament.

18. With regard to the statement made in paragraphs 20 and 22 of the writ petition, it is submitted that Government of India has submitted the Action Taken Report before the Parliament. Save and except which is stated in the Action Taken Report the allegations in the writ petition are denied.

19. With regard to the statement made in paragraphs 23 of the writ petition, it is submitted that in view of the fact, the petitioners have not been able to make

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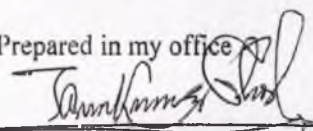
out any convincing case in this writ petition, no relief should be allowed/granted to them.

20. With regard to the statement made in paragraphs 24 of the writ petition, it is stated that (i) the report of the Justice Mukherjee Commission has already been placed before both the Houses of Parliament.

21. The statements contained in paragraphs 5 to 20 of the Affidavit-in-opposition to the writ petition of the petitioners are true to my knowledge and derived from the available relevant records and rests are my respectful submission before this Hon'ble Court.

Narish Samir
my

Prepared in my office


Advocate.

The deponent is known to me

Clerk to Mr. Tarun Kumar Ghosh,
Advocate.

Solemnly affirmed before me on
this the day of March, 2008.

Commissioner

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DISTRICT : HOWRAH

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W. P. No: 27541 (W) of 2006

In the matter of :

An application under Article 226 of the
Constitution of India;

- And -

In the matter of :

Sri Ashim Kumar Ganguly & Anr.
.....Petitioners
-Versus-
Union of India & Ors.
.....Respondents.

AFFIDAVIT - IN - OPPOSITION ON
BEHALF OF THE RESPONDENTS.

Mr. Tarun Kumar Ghosh,
Advocate.
Bar Association, Room No. 2,
High Court, Calcutta.
Office at 10-A, Dr. Kartick Bose Street,
1st floor, Kolkata - 700 009.
Phone : 2350-9128 & 2351-2988.

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Court Case
Most Immediate
By Special Messenger

No.12014/2008-Cdn.
Government of India
Ministry of Home Affairs

Lok Nayak Bhavan, 9th floor, 'C' Wing.
Room No.8, New Delhi, dt.19.8.08

To

1. The Joint Secretary (CNV),
Ministry of External Affairs
South Block, New Delhi.
2. The Secretary,
Ministry of Defence,
South Block, New Delhi.
3. Secretary to PM,
PMO, South Block,
New Delhi.

Subject: CAN No.2133 of 2008 in Writ Petition No.2754/2006 – Shri Ashim Kumar Ganguly & Ors versus Union of India & Ors.

Sir,

I am directed to enclose herewith a copy of the further affidavit filed by the Ld. Advocate Miss Debjani Ghosal in the above mentioned case, for comments on the paragraphs which concern your Ministry/Office.

2. As the Hon'ble Court has already taken adverse notice of delay in filing reply against the Main Writ Petition, it is requested that comments of your Ministry/Office may please be forwarded ON MOST URGENT BASIS.

Yours faithfully

Amar Chand

(AMAR CHAND)

UNDER SECRETARY TO THE GOVT. OF INDIA

Tel: 24610466

Urgent.

On file.

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Div (AA)

Papers p.p.
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Div (AA)

Tarun Kumar Ghosh

Advocate,
High Court, Calcutta.

Bar Association

Room No: 2

High Court, Calcutta

Ph. Bar Association : 2248-5579/3190

Fax No. (033) 2248-2313

E-mail : tarungh@calcutta.net.in

Chamber : 1350-1125 A, 1351

Mobile : 9433060066

Fax No: (033) 2350-9125

Chamber :

10-A, Dr. Kartick Bose Street

1st floor, Kolkata - 700 009

Visiting Hours : 10 am to 5 pm

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By Hand
Through Special Messenger

The 14th July, 2008.

To
The Additional Government Counsel,
Ministry of Law & Justice,
Department of Legal Affairs, Branch Secretariat,
11, Strand Road, Kolkata - 700 001.

Your Ref. File No. : 1204/Home/06/III dt. 21.12.2006 and
1204/Home/06/III/1824 dt. 30.07.2007

Re : W. P. No: 27541 (W) of 2006
Sri Ashim Ganguly & Anr.Petitioners.
-Vs-
Union of India & Ors.Respondents.

(The matter is pending in the Hon'ble High Court, Calcutta)

Attention : Mr. G. S. Makkar, Jr. Central Govt. Advocate,
Ministry of Law & Justice.

Dear Sir,

Kindly refer to my letter dated 18th March, 2008 addressed to Mr. S. P. Malhotra, Deputy Secretary to the Govt. of India, Ministry of Home Affairs, Division, Cdn Section, 9th floor, Room No. 2, Lok Nayak Bhawan, Khan Market, New Delhi - 110003 and a copy of the said letter forwarded to the Additional Government Counsel, Ministry of Law & Justice, Department of Legal Affairs, Branch Secretariat, 11, Strand Road, Kolkata - 700 001 about affidavit-in-opposition to this case.

However, the matter was listed in the daily supplementary list dated 11th July, 2008 of Their Lordships The Hon'ble Mr. Surinder Singh Nijjar, Chief Justice and the Hon'ble Justice Pinaki Chandra Ghose under the head "Hearing" and placed for hearing before Their Lordships on 11.07.2008 itself.

I myself along with Ld. Sr. Counsel Mr. R. N. Das appeared on your behalf at the time of its call and filed affidavit-in-opposition dated 05th March, 2008. The matter was heard and after hearing the Ld. Advocates for the respective parties an application for addition of parties filed by the Ld. Advocate Miss Debjani Ghosh allowed. Their Lordships directed that the matter will be placed for further hearing after 2(two) weeks.

Contd. P.2

Tarun Kumar Ghosh

Advocate.
High Court, Calcutta.

Bar Association

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Visiting Hours : 6 p.m. to 9 p.m.

:: 2 ::

The 14th July, 2008

In view of the matter, I am of the view that opposition is necessary to be filed on or before the next date of hearing against the contents of application for addition of parties file by the I.d. Advocate Miss Debjani Ghosal.

I am enclosing herewith a copy of application for addition of parties being CAN No. 2133 of 2008 for your consideration.

This is for your record and doing the needful.

Thanking You.

Encl: as stated above.

Yours faithfully,

Tarun Kumar Ghosh

(TARUN KUMAR GHOSH)

Advocate.

14.07.2008

~~DISTRICT-HOWRAH~~ KOLKATA

IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION

APPELLATE SIDE

CAN NO. 2133 OF 2008

W.P. NO. 27541 (W) OF 2006

IN THE MATTER OF

An application for addition of parties

IN THE MATTER OF

Sri Ashim Kumar Ganguly & Anr

.....PETITIONERS

Verus

The Union of India and Ors

.....RESPONDENTS

IN THE MATTER OF

1. Sri Surajit Dasgupta, son of Late

Jatindra Mohan Dasgupta, by

occupation business, resident of

25/1, Guruprasad Chowdhury Lane,

P.S. Amherst Street, Kolkata-700 006

2. Shri Keshav Bhattacharjee, Advocate

son of *Late Basudev Bhattacharjee*

Bhattacharjee, Bar Association, Room

No. 4, High Court Calcutta;

3. Sri Nandalal Chakraborty, by

occupation, Head of the Department

of Political Science, Presidency

College, resident of 559/1, Dakshin

Dari Road, P.S. lake Town, Kolkata-

700 048

4. Dr. Madhusudan Pal, by occupation

Assistant Professor, Calcutta Medical

College Hospital, resident of A/5/2,

Sharabani Abashan, Salt Lake, Sec-

III, Kolkata-700 009.

5. Sri Tarun Kumar Mukherjee son of

Late Gobindalal Mukherjee, resident

1, Brindaban Mullick 1st Lane,

st Street, Kolkata.

6. a tjit I gupta Late

Surindra Mohan Dasgupta, resident of

14

25/1 Guruprosad Chowdhury Lane,

P.S.- Amherst Street, Kolkata-700

006.

7. Sri Kusal Sankar Chowdhury son of

Chowdhury, resident of 32 B, Justice

Manmatha Mukherjee Row, P.S. -

Amherst Street, Kolkata-700 009.

8. Shri Siddheswar Bhattacharjee,

resident of Hatepara " Matri Bhavan",

P.O. Krishnnagar, Pin Code- 741 104,

District- Nadia

9. Shri Sunil Krishna Gupta, resident of

38, Vidyasagar Street, P.S.-Amherst

Street, Kolkata-700 009

.....APPLICANTS

To the Hon'ble Surrinder Singh Nijjar, the Chief Justice and his
Companion of Justices of the said Hon'ble Court

The humble petition of the above-name^d

Petitioners

Most Respectfully Sheweth

1. The Applicants are citizen of India and a part of the public of India.

The Applicants on several occasions have also espoused cause of the people in representative capacity on the subject "Netaji Subhas Chandra Bose", as described herein below. The people at large from all corner of the country including West Bengal have encouraged and requested the applicants to espouse the cause on the subject "Netaji Subhas Chandra Bose" to prevent mischievous role played by the respondent/Government of India and others in unleashing misformation about Netaji Subhas Chandra Bose, as such the Applicants are moving the instant application for addition of parties.

2. The Applicants ~~have voluntarily~~ have voluntarily engaged themselves in research work on Netaji Subhas Chandra Bose for more than last 25 years at their cost and sacrifice,. The applicants moved before the Hon'ble Supreme Court of India, under Article 32 of the Constitution of India, challenging the conferment of the "Posthumous Bharat Ratna" award to Netaji Subhas Chandra Bose. The Division Bench consisting of the Hon'ble Justice Sujata. V . Monohar and the Hon'ble Justice G.B.Pattanaik upon hearing at length cancelled the said "posthumous" award.

The applicants also filed a Writ Petition, as a Public Interest Litigation through one of their associate before the Hon'ble Calcutta High Court, being W.P. No. 281 of 1998 praying interalia for direction to set up a Commission of Inquiry to give a clinching findings on the mysterious disappearance of Netaji Subhas Chandra Bose. The Hon'ble Division Bench consisting of the Hon'ble Chief Justice Prabha Sankar Mishra (as his Lordship then was) and the Hon'ble Justice Bhaskar

Bhattacharyya directed the Government of India to set up an Inquiry Commission to give clinching findings on the mysterious disappearance of Netaji Subhas Chandra Bose. The Government of India was compelled to set up such Inquiry Commission by appointing a retired judge of the Hon'ble Supreme Court of India Sri Manoj Kumar Mukherjee as Chairman of the Commission

3. The applicants moved before the Justice Mukherjee Commission of Inquiry on the mysterious disappearance of Netaji Subhas Chandra Bose and have submitted volume of documents, which have been obtained from National Archives as well as from foreign countries which are authentic and genuine. He said commission has also relied upon the statements the documents filed by the applicants, with much evidence which were admitted by the Government of India.

4. That the applicants are working with an object inter alia to preach, promote and propagate the great humanistic ideals, thoughts and sacrifice of Netaji Subhas Chandra Bose in the making of modern India among the people at large and also to eradicate misinformation campaign for distortion of history.

5. The applicants have sufficient interest in the subject matter, as they have carried out extensive research work on the subject matter of mysterious disappearance of Netaji Subhas Chandra Bose and came across several important secret documents which could unfold the mystery of Netaji's disappearance.

6. The only misleading document to establish the alleged death of Netaji Subhas Chandra Bose is Death certificate and cremation permit in Japanese language which on translation appears to be

7. The Government of India till date never disclosed their stand that it has any record to establish that Netaji Subhas Chandra Bose died in the alleged aircrash on August 18, 1945 and the ashes kept in the Renkoji Temple are that of Netaji Subhas Chandra Bose. On the contrary, Learned Senior Counsel of the Government of India made an unambiguous submission before the Division bench of this Hon'ble court to the effect that;

" the Government of India has been maintained and is maintaining even now that a further /fresh enquiry /prove is required and the information that Netaji died in the plane crash on August 18, 1945 is full of loopholes ,contradictions and therefore inconclusive "

The above mentioned submissions of the Learned senior Counsel for the Government of India has been reported in AIR 1999 Calcutta-9

8. The documents and records in category marked as top secret records maintained by the Government of India reveals as follows:-

i) File No. 23(ii)/56-57 PM

A secret note of Shri M.O Mathai dated 2/12/1954 communicating to the Joint Secretary (AD), Government of India to the effect that ;

"A small amount of Rs. 200/- and odd was received by the Minister of External Affairs from our Embassy in Tokyo along with the ashes and other remains of the Late Shri Subhas Chandra Bose".

It is crystal clear that the ashes initially kept in the Renkoji Temple has been taken back to India, possibly the ^{genuineness} ~~genuiness~~ of the ashes was doubtful. The ashes now kept in the Renkoji Temple are not the alleged ashes of Netaji Subhas Chandra Bose.

ii) Parliament proceeding Records

The then Prime Minister Shri Moraji Desai on 28th August, 1978 on the floor of the Parliament declared that;

" there have been two enquires into the report of the death of Netaji Subhas Chandra Bose in the air-crash on 18th August 1945 at Taihoku airfield during his air-journey to Manchuria, one by a committee presided over by Major-General Shah Nawaz Khan and the second by a one-man Commission of Inquiry headed by Shri G.D. Khosla, retired Judge of the Punjab High Court. The Majority report of the first Committee

and Shri Khosla held the report of the death as true. Since then, reasonable doubts have been cast on the correctness of the conclusions reached in the two reports and various important contradictions in the testimony of witnesses have been noticed, some further contemporary official documentary records have also become available. In the light of those doubts and contradictions and those records, Government find it difficult to accept that the earlier conclusions are decisive

iii) File No. 800/6/C/1/90-Pol

A note of Meera Shankar, the Director of Prime Minister Office dated 23rd August 1990, on the proposal of Mr. Shanti Lal Patel a member of Parliament for bringing back the alleged ashes from Japan to India states that

Shri S.C. Bose again wrote to Prime Minister Smt. Indira Gandhi saying that there was no convincing

proof that the so called ashes were genuine. In view of this, Government of India did not treat the findings as conclusive and did not bring back the ashes to India. The ashes have been lying in Japan since 1945. The Government of India provides an annual grant of maintenance of the temple"

iv) File No. 25/4/NGO/Vol-2(LW-KW)

The first Secretary, Indian Embassy Tokyo, T.N. Kaul in his note dated 28/7/1955 stated interalia,

"My impression is that while Government of India has accepted the fact of Netaji's death, we haven't necessarily accepted that the ashes in the Renkoji Temple are his ashes"

In the same letter said Shri T.N. Kaul raised an interesting question:-

*"While we accept Netaji's Death, do we accept these
ashes as the real ones"*

v) File No. 25/4/NGO/Vol-2(LW-KW):

Shri A.K. Damadaran, DIR of Finance, Government of India in
his note dated 15/12/1966 stated :-

*"Without in any way committing ourselves to the identity
of the ashes, we could recompense the priest and the
temple by some annunal Grant which wouldn't be for the
custody of ashes but as a reward for their non-Standing
loyalty to India"*

Shri Damadaran in his said note further stated that:-

*" Even if it finally transpires that the ashes
aren't geninue, still this amount would in no-way be an
excessive compensation"*

vi) File No. 25/4/NGO/Vol-2(LW-KW)

An official note dated 16/12/1966 issued under the signature of Shri V. Doraiswami, Director (Finance), Government of India stated that: -

"But the ashes having not been pronounced genuine, one has to find justification for incurring the expenditure on their safe retention abroad...In any case if the purpose of the expenditure is not to be disclosed, which, I presume is the intention it can be made only from discretionary grants of this Ministry."

vii) File No. 25/4/NGO/Vol-2(LW-KW):

...

An official note dated 06/12/1973 issued by Shri P.K.

Budhwar, Deputy Secretary, Ministry of External Affairs (East

Asia Division) stated referring to Muchizuki's statement that he was a stranger to the Late Netaji and people who brought the ashes was stranger to him: -

" A remark of this nature could throw doubt on the authenticity of these ashes & it is, therefore, for consideration whether we should continue making such payments in respect of an item whose authenticity would also appear to be in some doubt."

Viii) File No. G-12(3)/98-NGO

The above top secret file contents are top secret internal note on the subject "Return of Netaji 's ashes to India" under the signature of P.P. Shukla, Joint Secretary (P) dated 1st April, 1998 interalia to the effect that;

" The matter was discussed again in the Cabinet on 8 February 1995 and it was decided that the ashes would not

be brought back to India for the present but that the dependability of the arrangements in Japan should be examined. This was done and it was felt that we could raise our annual upkeep contribution from Y 600,000 to Y 1 million"

9. Applicants assert that the above-mentioned secret documents are maintained in secret files of the government of India and those files were produced before the Hon'ble Justice Mukherjee Commission of Inquiry. The applicants have gone through the contents of those files and taken note of.

10. The applicants state that the Official notes contained in those secret files reveals that the ashes kept in the Renkoji Temple are not genuine and the Government of India incurring huge fund from public Exchequer for an oblique purpose to mislead the people of the country, which is malafide, unfair and illegal, as

(216)

such, the Government of India should be prevented from incurring such expenditure from the public Exchequer.

11. The applicants submit that they have researched on the subject matter and collected above-mentioned information among many other which will enable this Hon'ble Court effectually and completely to adjudicate upon and settle all the questions involved in the writ application, as such, the applicants are necessary party to be added to the writ petition.

12. The applicants submit that they are very much interested in this subject matter involved in the writ petition being No. 27541 (W) of 2006 and intend to place all the relevant documents in connection with the subject matter involved in the said writ petition.

13. Unless the applicants are added as party to the writ petition being No. 27541(W) of 2006, the cause and purpose of the writ petition shall be prejudicially affected.

14. The instant application is made bonafide and for the interest of the justice.

Under the facts and circumstances stated above your applicants most humbly pray that your Lordships may graciously be pleased to allow this application for addition of parties by directing the petitioners to add the applicants as party

performa respondents in the writ
petition being W.P. No. 27541(W)
of 2006;

And such other or further order or
orders as to your Lordships may
seem fit and proper for the ends of
justice.

AFFIDAVIT

I surajit Dasgupta, son of Late Jatindra Mohan Dasgupta, aged about 51 years by occupation business, resident of 25/1, Guruprasad Chowdhury Lane, P.S. Amherst Street, Kolkata-700 006 do hereby solemnly affirm and say as follows;

1. That I am the petitioner no.1 and am well acquainted with the facts and circumstances of the case and also I have been duly authorized by the other petitioners to affirm this affidavit on their behalf, as such, I am competent to affirm this affidavit.
2. The statement made in paragraphs 1,2,3,4,5,6,7,8,9 and 10 are true to my knowledge based on the information derived from the records which I verily believe to be true and those made in paragraphs 11,12,13 and 14 are my humble submissions before this Hon'ble court.

Prepared in my office

sc
Advocate

sl
Deponent is known and

identified by me

sl
Advocate

Solemnly affirmed before me

On this 11th day of March, 2008

COMMISSIONER

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

Appellate Side

W.P. No 27541 of 2006

CAN 2133 of 2008

In the matter of:

An application under Article 226 of the
Constitution of India:

And

In the matter of:

An application for addition of parties

And

In the matter of:

Shri Ashim Kumar Ganguly & Ors

.....Petitioners

Versus

Union of India & Ors

.....Respondents

And

In the matter of

Shri Surajit Dasgupta and Ors

Applicants

APPLICATION

Miss Debjani Ghosal Advocate

Bar Association Room No.2

High Court, Calcutta

Room No. 20B,

10 Old Post Office Street,

Tarun Kumar Ghosh

Advocate.
High Court, Calcutta.

Bar Association

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E-mail : barusohc@calcmc.net.in

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Mobile : 9433506066

Fax No: (033) 2350-9128

Chamber :

10-A, Dr. Kartick Bose Street,
1st floor, Kolkata - 700 069.

Visiting Hours : 6 p.m. to 9 p.m.

Most Urgent

By Hand

Through Special Messenger

The 06th June, 2007.

To

The Additional Government Counsel,
Ministry of Law & Justice,
Department of Legal Affairs, Branch Secretariat,
11, Strand Road, Kolkata - 700 001.

Your Ref. File No. 1204/Home/06/III dt. 21.12.06.

Re : W. P. No: 27541 (W) of 2006

Sri Ashim Ganguly & Anr.Petitioners.

-Vs-

Union of India & Ors.Respondents.

(The matter is pending in the Hon'ble High Court, Calcutta)

Attention : Mr. G. S. Makkar, Jr. Central Govt. Advocate,
Ministry of Law & Justice.

Dear Madam,

Kindly refer to my letter dated 08th January, 2007 by which I brought to your notice about outcome of hearing on 05.01.2007. It was also brought to your notice that the Affidavit-in-Opposition is necessary to be filed within 3(three) weeks from the date. In this context, it is pertinent to mention here that I have failed to receive any sorts of communication from your end till date.

However, I would like to place it on your record that the matter was listed in the cause list dated 05th June, 2007 of Their Lordships The Hon'ble Justice Mr. S. S. Nijjar, Chief Justice and The Hon'ble Justice Kalyan Jyoti Sengupta and taken up for hearing when I appeared on your behalf before Their Lordships. The matter was heard and after hearing the respective parties, I prayed for extension of time in filing Affidavit-in-Opposition in the matter. After hearing, Their Lordships have been pleased to grant such prayer directing to file Affidavit-in-Opposition within 3(three) weeks.

It is, therefore, requested you to kindly take necessary and appropriate steps so that opposition may be filed in compliance with the order dated 05.06.2007 for protecting your interest.

Please do the needful and apprise me accordingly.

Thanking You.

Copy to : Regd. With A/D Post.

1. The Principal Secretary,
Office of the Prime Minister, Govt. of India,
7, Race Course Road, New Delhi.
 2. The Director,
Netaji Research Bureau, 38/2, Lala Lajpat Roy Road, Kol-20.
- For information and necessary action.

Yours faithfully,

(TARUN KUMAR GHOSH)

Advocate.

06.06.2007

46/C

PRIME MINISTER'S OFFICE
[Political Section]

South Block, New Delhi – 110 011

Subject: W.P. No. 275411(W) of 2006 filed by Shri Ashim Ganguly & Anr. Vs. UOI & Ors in the Calcutta High Court.

Enclosed please find, for action as appropriate, copy of letter dated 6.6.07, endorsed to the Principal Secretary to the Prime Minister by Shri Tarun Kumar Ghosh, Advocate, Calcutta High Court, on the above subject.

(V. Vidyavathi)
Director

Secretary, Department of Legal Affairs

PMO ID no. 835/11/C/1/2007-Pol

Dated: 15.6.2007

**Ministry of External Affairs
(NGO Section)**

Subject:- Death/Disappearance of Netaji Subash Chandra Bose

In pursuance of the then Prime Minister's announcement in Parliament on 3.12.1955, the Government of India appointed a Committee on 5th April 1956 to enquire into and report to the Government of India on the circumstances concerning the departure of Netaji Subash Chandra Bose from Bangkok about the 16th August 1945, his alleged death as a result of an aircraft accident, and subsequent developments therewith.

2. Shri Shah Nawaz Khan, Shri Suresh Chandra Bose (elder brother of Netaji Subash Chandra Bose) and Shri S.N. Maitra, ICS (a nominee of the Government of West Bengal) were the members of the Committee which began its work in early April 1956 and completed the report by end July 1956.

3. The Committee examined 67 witnesses including a number of persons who were known to have associated with the Netaji in the last stages. Of these 32 witnesses were examined at Tokyo (Japan), 4 at Bangkok (Thailand), 3 at Saigon (Vietnam) and the balance of 28 at Delhi and Calcutta. In India, the Committee examined five of the six persons who accompanied Netaji on his last flight from Bangkok including Mr. S.A. Ayer, Mr. Debnath Das and Col. Habibur Rehman. The Committee also examined Gen. J.K. Bhonsle, Chief of the General Staff of INA. The Commission examined not only those who had information to give, but those who had theories to propound. The members of the Committee visited Bangkok, Saigon and Tokyo and were able to examine four of the six Japanese survivors of the plane crash, as well as two doctors, who attended Netaji during his last hours. The members of the Committee did not visit Formosa which was the actual scene of occurrence of the plane crash, as there were difficulties in doing so on account of the fact that no diplomatic relations existed between the Government of India and the authorities in Formosa. The report forwarded to our Mission in Tokyo by the Japanese Ministry of Foreign Affairs in January 1956 was also made available to the Commission. The report, inter alia, drew up the sequence of events following Netaji Subash Chandra Bose's departure from Bangkok on 17.8.1945 to his sad demise on 18.8.1945 and cremation thereafter.

4. In its report, the Commission dealt with the following points:-

- (i) Last of the plans of Netaji Subash Chandra Bose
- (ii) Air crash at Taihoku (Formosa)
- (iii) Death of Netaji Subash Chandra Bose
- (iv) Cremation of Netaji's body
- (v) Netaji's ashes
- (vi) Treasure

5. Each of these points is dealt with in a self-contained chapter. After fully considering the evidence available, two of the members (S/Shri Shah Nawaz Khan

and S.N. Maitra) came to the conclusion that while taking off from Taihoku (Formosa) in the afternoon of 18th August 1945, the Japanese military plane carrying Netaji and his companion (Col. Habibur Rehman) developed some trouble and burst into flames. Suffering from severe burns, Netaji was carried into the Taihoku Hospital, where after some hours, he passed away.

6. Netaji Inquiry Committee Report 1956 was made available as a 'priced publication'.

7. The third member of the Committee, Shri Suresh Chandra Bose submitted a dissentient report stating that there had been no plane crash involving Netaji's death. However, a majority report was accepted by the Government.

8. In view of widespread feeling amongst the public that the problem of finding the truth about Netaji's death still remains and that there has been a persistent demand for a further enquiry into the matter, the Central Government instituted on 11th July 1970 'One man Commission of Inquiry' into disappearance of Netaji Subash Chandra Bose. Shri G.D. Khosla, retired Chief Justice of the Punjab High Court was appointed as sole member.

9. Besides the Shah Nawaz Committee report, the dissenting report of Shri Suresh Chandra Bose submitted on 9th October 1956 and placed on the table of Rajya Sabha on 12th December 1956, was placed before this Commission. In all, 224 witnesses were examined by the Commission and a large number of documents, letters, newspaper reports, books and memoranda were received and read. While the Shah Nawaz Committee had not been able to go to Taiwan which resulted in a great deal of criticism, the Commission visited Taiwan in July 1973. The Commission spent about 8 days at Taipei recording the evidence of witnesses, inspecting the airfield where the crash was alleged to have taken place and visiting the Crematorium where Bose's body was alleged to have been cremated.

10. The basic findings of the 'air crash' theory has been summarized by the Commission which reads as "After giving the most anxious consideration to all the available evidence, the criticism to which the statements of the various witnesses were subjected and the arguments advanced by counsel, I have reached the conclusion that the story of the air crash at the Taihoku airfield in Taiwan and the subsequent death of Bose, resulting from burn injuries sustained by him in crash must be believed. This story is substantiated by the testimony of wholly independent witnesses, four of whom were Bose's co-passengers in the plane which crashed, one is the doctor who attended to him and signed his death certificate and several others mentioned in the course of this chapter who have corroborated this story in all material particulars. I am not prepared to accept the contention that the entire military organization of Japan had entered into conspiracy to put forward a false story in order to cover up Bose's escape. Such a hypothesis is foreign to reason and to human nature. Most of the witnesses who gave evidence impressed me by their frank and honest demeanour. The Doctor, too, appeared to be a most convincing witness of truth. The criticism advanced against the testimony of these witnesses has been discussed by me in the foregoing pages, and in the end, it is only necessary to say that this criticism does not shake the strength and the value of the evidence.

I, therefore, find it proved beyond all reasonable doubt that Bose traveled in a Japanese bomber from Touraine to Taihoku on the morning of 18th August 1945. At Taihoku the plane stopped for a short time to refuel. The pilot detected a snag in one of the engines. This was attended to, and the pilot pronounced the aircraft to be airworthy. The propellers of one of the engines had been damaged in a previous accident and the repair carried out did not completely restore the efficiency of the engine. This finally caused the crash at Taihoku, almost immediately after the plane took off. The plane crashed to the ground, broke into two parts and caught fire. In this fire, the pilot and Genl. Shidei died instantaneously and of the other men on board, the co-pilot Ayoagi died later and Bose also succumbed to his burn injuries during the course of the following night. His body was cremated and the ashes were taken to Tokyo."

11. The Commission dealt with three matters which were construed as having a remote and indirect bearing on the facts of enquiry. These are:

- (i) What was the exact nature of relations between Nehru and Bose;
- (ii) Was Bose declared a war criminal, liable to be tried and punished by the Special Tribunal set up for this purpose; and
- (iii) What is the significance of the earliest enquiries regarding Bose conducted by Intelligence and secret service personnel.

12. In addition the Commission considered the evidence of a number of witnesses whose importance lies not in the intrinsic worth of what they had to say, but in the enthusiasm and persistence with which they pressed their claim to be heard. Further, the Commission analysed other versions of Bose's whereabouts and the various stories that were narrated in the course of the inquiry, to disprove the allegation of his death at Taipei. There were many witnesses who severally claim to have seen, met or talked to Bose at various times and places long after August 18, 1945. The Commission opined that numerous stories about encounters with Bose at various places after 1945 are completely false and unacceptable.

13. Taking into accounts all facts of the case, the Commission concluded that Bose had sustained burn injuries of the third degree following air crash a little after 2.35 p.m. on 18.8.1945 and despite the efforts of the doctors to revive him, he succumbed to his injuries the same night. Report of the One Man Commission of Inquiry into the disappearance of Netaji Subash Chandra Bose was published at New Delhi on June 30, 1974.

14. The findings of the Khosla Commission also did not end the controversy surrounding Netaji's death; several important people and personalities including some members of Netaji's family, Shri Samar Guha, ex-MP, and others did not accept the findings of Khosla Commission. Since then there had been a widespread feeling among the public that the issue of finding the truth about Netaji's disappearance/death still remained unresolved and there was a consistent demand for another enquiry into the matter. In the above backdrop a Writ Petition was filed before the High Court at Calcutta, which was disposed of by a Division Bench of the High Court by its judgment and order dated April 30, 1998 directing the Union of India to launch a vigorous enquiry into the alleged disappearance/death of Netaji in accordance with Law by appointing a Commission of Inquiry for the purpose of giving an end to the

controversy. This was followed by a unanimous resolution adopted by West Bengal Legislative Assembly on December 4, 1998 whereby the Assembly demanded that the Government of India should make necessary arrangements for availability of records and documents in and outside India so that the scholars and people could have access to them and also institute a fresh Inquiry Commission in order to remove the mystery regarding the whereabouts of Netaji Subash Chandra Bose.

15. The Central Government thus appointed a fresh Commission of Inquiry consisting of Mr. Justice M.K. Mukherjee, a retired Judge of the Supreme Court of India in May 1999 to enquire once again into all the facts and circumstances related to disappearance of Netaji Subash Chandra Bose in 1945 and subsequent developments connected therewith including:-

- (a) whether Netaji Subash Chandra Bose is dead or alive;
- (b) if he is dead, whether he died in the plane crash, as alleged;
- (c) whether the ashes in the Japanese Temple are ashes of Netaji;
- (d) whether he has died in any other manner at any other place and, if so, when and how;
- (e) if he is alive, in respect of his whereabouts.

16. Owing to long passage of time a considerable number of witnesses whose evidence might have been helpful to this inquiry were found to be either dead or untraceable or too old and infirm to depose and quite a number of documents which might have been relevant to the inquiry could not be traced. Nevertheless, the Commission examined 131 witnesses in and outside India. Justice Mukherjee traveled to London, Taiwan, Bangkok, Tokyo and Moscow to examine some witnesses and also to inspect certain records.

17. The Justice Mukherjee Commission of Inquiry, however, came to a different conclusion in its report submitted in November 2005. The Commission concluded:

- (a) Netaji Subash Chandra Bose is dead;
- (b) He did not die in the plane crash, as alleged;
- (c) The ashes in the Japanese temple are not of Netaji;
- (d) In absence of any clinching evidence a positive answer cannot be given; and
- (e) Answer already given in (a) above.

18. On the issue of the ashes in the Renkoji Temple, Justice Mukherjee had made the following finding: "As regards the journey of the ashes collected by Habibur Rehman from the crematorium at Taipei to the Renkoji Temple in Japan the evidence is consistent and, therefore, needs no discussions. Since the ashes collected were of Ichiro Okura – not of Netaji – the only inference that can be drawn is that the ashes lying in that temple cannot be of Netaji. On the contrary, the presence of bones in the ashes as noticed by officers of Indian Embassy in Tokyo is a circumstance which corroborates that those cannot but be of Ichiro Okura. Considered in that backdrop, the inability of the Commission to subject the mortal remains to DNA test in the circumstances beyond its control has not stood in the way of recording its conclusive finding in that regard – a finding arrived at on the basis of robust circumstantial evidence on record".

19. The main findings of the Justice Mukherjee Commission of Inquiry have not, however, been accepted by the Government of India. The Memorandum of Action Taken on the Report, placed in Parliament, states as follow:

“The Government have examined the Report submitted by the Commission on 8th November 2005 in detail and have not agreed with the findings that –

- (a) Netaji did not die in the plane crash; and
- (b) The ashes in the Renkoji Temple were not of Netaji.”

20. Submitted for information please.



(R.K. Kapoor)
Under Secretary (NGO)
1.9.2008

JS (CNV)

FILE NO: 25/4/NGO - Vol I

308

PRIME MINISTER'S SECRETARIAT

A small amount of Rs. 200/- and odd was received by the Minister of External Affairs from our Embassy in Tokyo along with the ashes and other remains of the late Shri Subhash Chandra Bose. This money is being kept in the External Affairs Ministry.

2. I have consulted the Prime Minister about this and he agrees that this amount might be transferred to the INA Relief Fund. The Ministry might get into touch with the General Secretary of the AICC, 7 Jantar Mantar Road, New Delhi, and have this money transferred to the INA Fund. A receipt might be obtained for the Ministry's record.

(M.O. Mathai)
2.12.1954.

JS(AD) - Shri Prem Krishen.

PM's Secy 4/10 No D/s 13/70 Dt 2/12/54

Please take action.

Prinche

2/12/54

JS(ADF)

8/12

A draft letter to the General Secy. AICC is put up for approval.

4/12/54
4.12.54

JS(ADF)

Issued - as
a D.O. letter by
name.

on 2/12/54

8972/FS/08
25/8.

(39)

S-2105/JS(EA)/18/25/8

(300)

For official use only

E-Gram

No. OE-150/Amb/2008

Embassy of India

Tokyo

Priority: Most Immediate
File No. Tok/Pol/102/04/08
Addressed to: Shri Shivshankar Menon, Foreign Secretary
Dated: 20 August, 2008

3290
Dy. No. JS (CNV)/2008
Date ... 26/8

अपरी सं. 2216
Dy. No. JS (CNV)/2008
दिनांक/Date: 27/8

Netaji's Ashes - Affidavit of Anand Jairam Murti

Foreign Secretary from Ambassador. Personal.

Continuation my E-gram No. OE-149/Amb/2008 of 19 August, in connection with above subject.

2. We have discreetly ascertained the background and reasons for execution of this affidavit two and a half years after a portion of Netaji's ashes was passed on to Prof. Sugata Bose. Shri Anand Jairam Murti has shared with us the following information:-

- (i) The affidavit was executed at the request of Prof. Sugata Bose; a copy has been sent to him.
- (ii) After receiving portion of Netaji's ashes in March 2006, Prof. Bose had tried to get DNA testing done at Harvard. This did not prove feasible as the degraded/charred nature of remains made it impossible to extract DNA material.

3. Mr. Murti has conveyed that he wanted to keep GOI informed of these developments.

With best regards,

Hemant
(H.K. Singh)

It has been in Vienna

JS (CNV) 25/8

JS (CNV) 25/8

JS (CNV) 25/8

3269
Dy. No. JS (CNV)/2008
Date 20/08

8908/JS/08 (38)
19/8

8744/BA/08
19/8
S-2088/JS(BA)/08/22/8
For official use only

310

E-Gram

खयरी सं० 2197
Dy. No. JS (CNV)/2008
दिनांक/Dated 25/8
No. OE-149/Amb/2008
Embassy of India
Tokyo

Many with to see.

from
15/8/08

EAH
P 22/8

Priority: Most Immediate
File No. Tok/Pol/103/17/07
Addressed to: Shri Shivshankar Menon, Foreign Secretary
Dated: 19 August, 2008

JJ/EAH H.S.
22.8.2008

Foreign Secretary from Ambassador. Personal.

JS (CNV) P.H.
NSG
22/8/08

B.M.H.
22/8/08

Anand Jairam Murti, an Indian national resident in Tokyo, executed an affidavit at the Embassy on 18 August claiming that a portion of Netaji's ashes, which have been under his family's custody since 1945, were handed over to Prof. Sugata Bose on 7 March, 2006 who subsequently took them to Kolkata.

2. Transcript of affidavit is attached. Copy, with accompanying documents, being sent by Bag.

With best regards,

Hemant
(H.K. Singh)

Quote

Anand J. Murti

YONBANCHO 9-8-311, CHIYODA CITY, TOKYO 102-0084

Affidavit

My uncle, Mungara Rama Murti, who was the chairman of the Territorial Committee of the Indian Independence League and acting disbursing officer

311

on behalf of the Arzi Hukumate Azad Hind in Japan, received the cremated remains, ashes and bones, of Netaji Subhas Chandra Bose from the Imperial Japanese Military Headquarters in Tokyo in September, 1945.

To protect from confiscation and impounding by the Allied Forces, he placed these remains in the custody of a small Buddhist temple - the Renkoji - near his residence and to take extra precaution separated the cremated remains and hid a portion in his home.

My uncle and aunt, Rama and Geeta Murti, went to India in 1953 to report the incident to Prime Minister Jawaharlal Nehru and eventually never returned to Japan.

Since then, a part of Netaji's mortal remains stayed in my home and a part in the now famous Renkoji temple.

My father, Jaya Murti, passed away in 1974 and the urn containing Netaji's cremated remains was kept by my mother, Sujata S. Murti (Atsuko Sakai), in her own room until recently.

I informed Professor Sugata Bose of the above facts soon after the funeral of my aunt, Geeta Murti in Chennai in July, 2005. I stayed in contact with Professor Bose and sent him copies of Netaji's handwritten letters to my uncle, Rama Murti, for inclusion in Volume 12 of the Netaji's Collected Works.

Professor Bose informed me of his visit to Japan in early March, 2006. On the afternoon of March 7, 2006, I met him at the Imperial Hotel in Tokyo and brought him to my home. We briefly opened the urn wrapped in white cloth so that Professor Bose could take a look at the contents and then closed and wrapped it up again.

In my presence, my mother unceremoniously handed over the urn containing Netaji's remains to Professor Sugata Bose, who in return expressed his gratitude to my family.

My mother and I joined Professor Sugata Bose on his visit to the Renkoji temple on the morning of March 8, 2006, to pay our homage to the memory of Netaji.

(312)

Later that evening, I showed Professor Bose photographs from the family album of my uncle, Rama, my aunt, Geeta, my father Jaya and my mother taken with Habibur Rehman and S.A. Ayer. Copies of these photographs were sent to Professor Bose.

Subsequently, I am happy to be informed that Professor Sugata Bose arrived in Kolkata safely with the mortal remains of Netaji Subhas Chandra Bose.

Jai Hind.

Sd/-

Anand Jairam Murti
August 18, 2008, Tokyo

No.1655/2008 Dated Aug 18, 2008

Signed in my presence by MURTI

ANAND JAIRAM

Holder of Republic of India Passport

No.F 1492967 Issued on 03.02.2006

In TOKYO

Embassy of India takes no responsibility
About the contents of the affidavit.

Sd/-

(Manoj Kumar)
Assistant Consular Officer
Embassy of India, Tokyo

Unquote

37

313

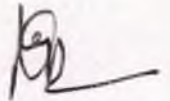
COURT CASE
MOST IMMEDIATE

MINISTRY OF EXTERNAL AFFAIRS
(CNV DIVISION)

.....

Kindly refer to your letter No.12014/12/07-Cdn dated 19th August 2008 regarding CAN No.2133 of 2008 in Writ Petition No.2754/2006 - Shri Ashim Kumar Ganguly & Ors versus Union of India & Ors.

The comments of this Ministry are the same as were earlier conveyed vide this Ministry's letter No.25/4/NGO-XVI dated 3rd December 2007 (copy enclosed).



(R.K. Kapoor)
Under Secretary(NGO)



Ministry of Home Affairs, Lok Nayak Bhavan, New Delhi.
(Shri S.K. Goswami, Under Secretary, Internal Security Division,)

MEA u.o.No.25/4/NGO-XVI dated 21st August 2008.



(324)

COURT CASE
MOST IMMEDIATE

No. 25/4/NGO – XVI
Ministry of External Affairs
CNV Division

03 December
...November, 2007

OFFICE MEMORANDUM

Subject : Writ Petition No. 27541/2006 – Shri Ashim Kumar Ganguly
and another versus UOI and others.

The undersigned is directed to refer to Ministry of Home Affairs letter No. I/12014/12/2007-Cdn dated October 12 2007 on the subject above.

2. The comments of this Ministry with regard to paragraphs of the Writ Petition pertaining to MEA are as under:

(a) **On the Questions of Law (Sr. Nos. 1 – 5)**

The petitioner's averment in paragraph 12 of the Writ Petition states that without making any formal declaration of death of Netaji by GOI the Government has no right to spend public money for the upkeep and maintenance of Renkoji Temple and / or preserve the ashes alleged to have been claimed of Netaji Subhas Bose. It may be noted that GOI has the right to accept or reject the Report of the Mukherjee Commission as it is only a recommendation. The non-acceptance of the Report, therefore, would amount to maintaining status quo ante with regard to the status of Netaji and the ashes.

(b) **Paragraphs 12 and 15**

This Ministry is not providing maintenance allowance or other assistance to the Renkoji Temple, Japan.

(c) **Paragraph 14**

This Ministry has cooperated fully with the Commission in seeking and arranging appointments for the members of the Commission during their visits to various foreign destinations in Japan, Russia and Taiwan, and in seeking and forwarding information to the Commission available in its records and from foreign sources identified by the Commission.

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(d) **Paragraph 16**

This Ministry is not aware of any decision by Government to handover the ashes of Netaji to his daughter.

(e) **Paragraph 17**

Government has not discussed the matter with the Government of Japan including on the issue of return of ashes to India.

J. Shaw 03/12/02
(Debnath Shaw)
Joint Secretary (CNV)
Tel: 23011357

Shri S.K. Goswami
Under Secretary
Internal Security Division
Ministry of Home Affairs
Lok Nayak Bhawan
Khan Market, New Delhi

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3214
Dy. No. ... JS (CNV)/2008
Date ... 19/08
316

Court Case
Most Immediate
By Special Messenger

No.12014/1408-Cdn.
Government of India
Ministry of Home Affairs
.....

कसरी सं. 2134/स.नं.ओ/2008
Dy. No ... NGO/200
दिनांक/Date ... 19/8

Lok Nayak Bhavan, 9th floor, 'C' Wing,
Room No.8, New Delhi, dt.19.8.08

To

1. The Joint Secretary (CNV),
Ministry of External Affairs
South Block, New Delhi.
2. The Secretary,
Ministry of Defence,
South Block, New Delhi.
3. Secretary to PM,
PMO, South Block,
New Delhi.

Subject: CAN No.2133 of 2008 in Writ Petition No.2754/2006 – Shri Ashim Kumar Ganguly & Ors versus Union of India &Ors.

Sir,

I am directed to enclose herewith a copy of the further affidavit filed by the Ld. Advocate Miss Debjani Ghosal in the above mentioned case, for comments on the paragraphs which concern your Ministry/Office.

2. As the Hon'ble Court has already taken adverse notice of delay in filing reply against the Main Writ Petition, it is requested that comments of your Ministry/Office may please be forwarded ON MOST URGENT BASIS.

URGENT
COURT CASE
P Recd. in expeditiously

D. H.
19/08

US (CNV)
As per request
84 MH
19/8/08

Yours faithfully,

Amar Chand

(AMAR CHAND)

UNDER SECRETARY TO THE GOVT. OF INDIA.

Tel : 24610466

KY
Tarun Kumar Ghosh

Advocate,
High Court, Calcutta.

Bar Association

Room No: 2

High Court, Calcutta

Ph. Bar Association : 2248-5579/3190

Fax No. (033) 2248-2313

E-mail : barasohi@calcutta.net.in

Chamber : 2350-9128 X 1354

Mobile : 9435506066

Fax No: (033) 2350-9128

Chamber :

10-A, Dr. Kartick Bose Street

1st floor, Kolkata - 700 009

Visiting Hours : 10 am to 7 pm

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By Hand
Through Special Messenger

The 14th July, 2008.

To

The Additional Government Counsel,
Ministry of Law & Justice,
Department of Legal Affairs, Branch Secretariat,
11, Strand Road, Kolkata - 700 001.

Your Ref. File No. : 1204/Home/06/III dt. 21.12.2006 and
1204/Home/06/III/1824 dt. 30.07.2007

Re : W. P. No: 27541 (W) of 2006
Sri Ashim Ganguly & Anr.Petitioners.
-Vs-
Union of India & Ors.Respondents.

(The matter is pending in the Hon'ble High Court, Calcutta)

Attention : Mr. G. S. Makkar, Jr. Central Govt. Advocate,
Ministry of Law & Justice.

Dear Sir,

Copy to Mr. J. A. Malhotra, Jr. Central Govt. Advocate, Ministry of Law & Justice, Department of Legal Affairs, Branch Secretariat, 11, Strand Road, Kolkata - 700 001.
Kindly refer to my letter dated 18th March, 2008 addressed to Mr. S. J. Malhotra, Deputy Secretary to the Govt. of India, Ministry of Home Affairs, B Division, Cdn Section, 9th floor, Room No. 2, Lok Nayak Bhawan, Khan Market, New Delhi - 110003 and a copy of the said letter forwarded to the Additional Government Counsel, Ministry of Law & Justice, Department of Legal Affairs, Branch Secretariat, 11, Strand Road, Kolkata - 700 001 about affidavit-in-opposition to this case.

*Jigant
S. J. A. Malhotra
19/7/08*
However, the matter was listed in the daily supplementary list dated 11th July, 2008 of Their Lordships The Hon'ble Mr. Surinder Singh Nijjar, Chief Justice and the Hon'ble Justice Pinaki Chandra Ghose under the head "Hearing" and placed for hearing before Their Lordships on 11.07.2008 itself.

I myself along with Ld. Sr. Counsel Mr. R. N. Das appeared on your behalf at the time of its call and filed affidavit-in-opposition dated 05th March, 2008. The matter was heard and after hearing the Ld. Advocates for the respective parties an application for addition of parties filed by the Ld. Advocate Miss Debjani Ghosh allowed. Their Lordships directed that the matter will be placed for further hearing after 2(two) weeks.

Contd. ... P.2

Tarun Kumar Ghosh

Advocate.
High Court, Calcutta.

Bar Association

Room No: 2

High Court, Calcutta

Ph. Bar Association : 2248-5579/3199

Fax No. (033) 2248-2313

E-mail : barasohc@calcutta.net.in

Chamber : 2350-9128 & 2351-2008

Mobile : 9433506066

Fax No: (033) 2350-9128

Chamber :

10-A, Dr. Kartick Bose Street

1st floor, Kolkata - 700 069

Visiting Hours : 6 p.m. to 9 p.m.

:: 2 ::

The 14th July, 2008

In view of the matter, I am of the view that opposition is necessary to be filed on or before the next date of hearing against the contents of application for addition of parties file by the Ld. Advocate Miss Debjani Ghosal.

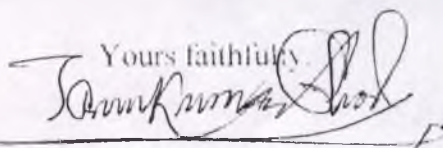
I am enclosing herewith a copy of application for addition of parties being CAN No. 2133 of 2008 for your consideration.

This is for your record and doing the needful.

Thanking You.

Encl: as stated above.

Yours faithfully,



(TARUN KUMAR GHOSH)

Advocate.

14. 07. 2008

(319)

KOLKATA
DISTRICT-HOWRAH

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

APPELLATE SIDE

CAN NO. 2133 OF 2008

W.P. NO. 27541 (W) OF 2006

IN THE MATTER OF

1 An application for addition of parties

IN THE MATTER OF

Sri Ashim Kumar Ganguly & Anr

.....PETITIONERS

Verus

The Union of India and Ors

.....RESPONDENTS

IN THE MATTER OF

1. Sri Surajit Dasgupta, son of Late
Jatindra Mohan Dasgupta, by
occupation business, resident of
25/1, Guruprasad Chowdhury Lane,
P.S. Amherst Street, Kolkata-700 006
2. Shri Keshav Bhattacharjee, Advocate
son of *Late Basudev Bhattacharjee*
Bhattacharjee, Bar Association, Room
No. 4, High Court Calcutta;
3. Sri Nandalal Chakraborty, by
occupation, Head of the Department
of Political Science, Presidency
College, resident of 559/1, Dakshin

2

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IN THE MATTER OF

1. Sri Surajit Dasgupta, son of Late

Jatindra Mohan Dasgupta, by

occupation business, resident of

25/1, Guruprasad Chowdhury Lane,

P.S. Amherst Street, Kolkata-700 006

2. Shri Keshav Bhattacharjee, Advocate

son of *Late Basudev Bhattacharjee*

Bhattacharjee, Bar Association, Room

No. 4, High Court Calcutta;

3. Sri Nandalal Chakraborty, by

occupation, Head of the Department

of Political Science, Presidency

College, resident of 559/1, Dakshin

3

322

Dari Road, P.S. lake Town, Kolkata-

700 048

4. Dr. Madhusudan Pal, by occupation

Assistant Professor, Calcutta Medical

College Hospital, resident of A/5/2,

Sharabani Abashan, Salt Lake, Sec-

III, Kolkata-700 009.

5. Sri Tarun Kumar Mukherjee son of

Late Gobindalal Mukherjee, resident

1, Brindaban Mullick 1st Lane,

st Street, Kolka...

6. a tjit I gupta Late

Jafindra Mohan Dasg, resident of

14

323

25/1 Guruprosad Chowdhury Lane,

P.S.- Amherst Street, Kolkata-700

006.

7. Sri Kusal Sankar Chowdhury son of

Chowdhury, resident of 32 B, Justice

Manmatha Mukherjee Row, P.S. -

Amherst Street, Kolkata-700 009.

8. Shri Siddheswar Bhattacharjee,

resident of Hatepara " Matri Bhavan",

P.O. Krishnnagar, Pin Code- 741 104,

District- Nadia

9. Shri Sunil Krishna Gupta, resident of

38, Vidyasagar Street, P.S.-Amherst

Street, Kolkata-700 009

.....APPLICANTS

324

5

To the Hon'ble Surrinder Singh Nijjar, the Chief Justice and his
Companion of Justices of the said Hon'ble Court

The humble petition of the above-name^d

Petitioners

Most Respectfully Sheweth

1. The Applicants are citizen of India and a part of the public of India.

The Applicants on several occasions have also espoused cause of the people in representative capacity on the subject "Netaji Subhas Chandra Bose", as described herein below. The people at large from all corner of the country including West Bengal have encouraged and requested the applicants to espouse the cause on the subject "Netaji Subhas Chandra Bose" to prevent mischievous role played by the respondent/Government of India and others in unleashing misformation about Netaji Subhas Chandra Bose, as such the Applicants are moving the instant application for addition of parties.

2. The Applicants ~~have voluntarily~~ have voluntarily engaged themselves in research work on Netaji Subhas Chandra Bose for more than last 25 years at their cost and sacrifice,. The applicants moved before the Hon'ble Supreme Court of India, under Article 32 of the Constitution of India, challenging the conferment of the "Posthumous Bharat Ratna" award to Netaji Subhas Chandra Bose. The Division Bench consisting of the Hon'ble Justice Sujata. V . Monohar and the Hon'ble Justice G.B.Pattanaik upon hearing at length cancelled the said "posthumous" award.

The applicants also filed a Writ Petition, as a Public Interest Litigation through one of their associate before the Hon'ble Calcutta High Court, being W.P. No. 281 of 1998 praying interalia for direction to set up a Commission of Inquiry to give a clinching findings on the mysterious disappearance of Netaji Subhas Chandra Bose. The Hon'ble Division Bench consisting of the Hon'ble Chief Justice Prabha Sankar Mishra (as his Lordship then was) and the Hon'ble Justice Bhaskar

Bhattacharyya directed the Government of India to set up an Inquiry Commission to give clinching findings on the mysterious disappearance of Netaji Subhas Chandra Bose. The Government of India was compelled to set up such Inquiry Commission by appointing a retired judge of the Hon'ble Supreme Court of India Sri Manoj Kumar Mukherjee as Chairman of the Commission

3. The applicants moved before the Justice Mukherjee Commission of Inquiry on the mysterious disappearance of Netaji Subhas Chandra Bose and have submitted volume of documents, which have been obtained from National Archives as well as from foreign countries which are authentic and genuine. He said commission has also relied upon the statement the documents filed by the applicants, with much information which were admitted by the Government of India.

4. That the applicants are working with an object inter alia to preach, promote and propagate the great humanistic ideals, thoughts and sacrifice of Netaji Subhas Chandra Bose in the making of modern India among the people at large and also to eradicate misinformation campaign for distortion of history.
5. The applicants have sufficient interest in the subject matter, as they have carried out extensive research work on the subject matter of mysterious disappearance of Netaji Subhas Chandra Bose and came across several important secret documents which could unfold the mystery of Netaji's disappearance.
6. The only misleading documents to establish the alleged death of Netaji Subhas Chandra Bose is Death certificate and cremation permit in Japanese language which on translation appears to be a death certificate of one **Ichiro Okuro**

7. The Government of India till date never disclosed their stand that it has any record to establish that Netaji Subhas Chandra Bose died in the alleged aircrash on August 18, 1945 and the ashes kept in the Renkoji Temple are that of Netaji Subhas Chandra Bose. On the contrary, Learned Senior Counsel of the Government of India made an unambiguous submission before the Division bench of this Hon'ble court to the effect that;

" the Government of India has been maintained and is maintaining even now that a further /fresh enquiry /prove is required and the information that Netaji died in the plane crash on August 18, 1945 is full of loopholes ,contradictions and therefore inconclusive "

The above mentioned submissions of the Learned senior Counsel
for the Government of India has been reported in AIR 1999
Calcutta-9

8. The documents and records in category marked as top secret
records maintained by the Government of India reveals as follows:-

i) File No. 23(ii)/56-57 PM

A secret note of Shri M.O Mathai dated 2/12/1954
communicating to the Joint Secretary (AD), Government of
India to the effect that ;

*"A small amount of Rs. 200/- and odd was received by
the Minister of External Affairs from our Embassy in
Tokyo along with the ashes and other remains of the
Late Shri Subhas Chandra Bose".*

It is crystal clear that the ashes initially kept in the Renkoji Temple has been taken back to India, possibly the ^{genuineness} genuiness of the ashes was doubtful. The ashes now kept in the Renkoji Temple are not the alleged ashes of Netaji Subhas Chandra Bose.

ii) Parliament proceeding Records

The then Prime Minister Shri Moraji Desai on 28th August, 1978 on the floor of the Parliament declared that;

" there have been two enquires into the report of the death of Netaji Subhas Chandra Bose in the air-crash on 18th August 1945 at Taihoku airfield during his air-journey to Manchuria, one by a committee presided over by Major-General Shah Nawaz Khan and the second by a one-man Commission of Inquiry headed by Shri G.D. Khosla, retired Judge of the Punjab High Court. The Majority report of the first Committee

and Shri Khosla held the report of the death as true. Since then, reasonable doubts have been cast on the correctness of the conclusions reached in the two reports and various important contradictions in the testimony of witnesses have been noticed, some further contemporary official documentary records have also become available. In the light of those doubts and contradictions and those records, Government find it difficult to accept that the earlier conclusions are decisive

iii) File No. 800/6/C/1/90-Pol

A note of Meera Shankar, the Director of Prime Minister Office dated 23rd August 1990, on the proposal of Mr. Shanti Lal Patel a member of Parliament for bringing back the alleged ashes from Japan to India states in the note that

However Shri S.C. Bose again wrote to Prime Minister

Smt. Indira Gandhi saying that there was no convincing

proof that the so called ashes were genuine. In view of this, Government of India did not treat the findings as conclusive and did not bring back the ashes to India. The ashes have been lying in Japan since 1945. The Government of India provides an annual grant of maintenance of the temple"

iv) File No. 25/4/NGO/Vol-2(LW-KW) — Page 1.

The first Secretary, Indian Embassy Tokyo, T.N. Kaul in his note dated 28/7/1955 stated interalia,

"My impression is that while Government of India has accepted the fact of Netaji's death, we haven't necessarily accepted that the ashes in the Renkoji Temple are his ashes"

In the same letter said Shri T.N. Kaul raised an interesting question:-

*"While we accept Netaji's Death, do we accept these
ashes as the real ones"*

v) File No. 25/4/NGO/Vol-2(LW-KW): — Page 58

Shri A.K. Damadaran, DIR of Finance, Government of India in
his note dated 15/12/1966 stated :—

*"Without in any way committing ourselves to the identity
of the ashes, we could recompense the priest and the
temple by some annunal Grant which wouldn't be for the
custody of ashes but as a reward for their non-Standing
loyalty to India"*

Shri Damadaran in his said note further stated that:-

*" Even if it finally transpires that the ashes
aren't genuine, still this amount would in no-way be an
excessive compensation"*

vi) File No. 25/4/NGO/Vol-2(LW-KW)

- Page 59

An official note dated 16/12/1966 issued under the signature of Shri V. Doraiswami, Director (Finance), Government of India stated that: -

"But the ashes having not been pronounced genuine, one has to find justification for incurring the expenditure on their safe retention abroad...In any case if the purpose of the expenditure is not to be disclosed, which, I presume is the intention it can be made only from discretionary grants of this Ministry."

vii) File No. 25/4/NGO/Vol-2(LW-KW):

- Page 71

An official note dated 06/12/1973 issued by Shri P.K. Budhwar, Deputy Secretary, Ministry of External Affairs (East

Asia Division) stated referring to Muchizuki's statement that he was a stranger to the Late Netaji and people who brought the ashes was stranger to him: -

" A remark of this nature could throw doubt on the authenticity of these ashes & it is, therefore, for consideration whether we should continue making such payments in respect of an item whose authenticity would also appear to be in some doubt."

Viii) File No. G-12(3)/98-NGO

- not men file (NGO)

The above top secret file contents are top secret internal note on the subject "Return of Netaji 's ashes to India" under the signature of P.P. Shukla, Joint Secretary (P) dated 1st April, 1998 interalia to the effect that;

" The matter was discussed again in the Cabinet on 8 February 1995 and it was decided that the ashes would not

be brought back to India for the present but that the dependability of the arrangements in Japan should be examined. This was done and it was felt that we could raise our annual upkeep contribution from Y 600,000 to Y 1 million"

9. Applicants assert that the above-mentioned secret documents are maintained in secret files of the government of India and those files were produced before the Hon'ble Justice Mukherjee Commission of Inquiry. The applicants have gone through the contents of those files and taken note of.

10. The applicants state that the Official notes contained in those secret files reveals that the ashes kept in the Renkoji Temple are not genuine and the Government of India incurring huge fund from public Exchequer for an oblique purpose to mislead the people of the country, which is malafide, unfair and illegal, as

such, the Government of India should be prevented from incurring such expenditure from the public Exchequer.

11. The applicants submit that they have researched on the subject matter and collected above-mentioned information among many other which will enable this Hon'ble Court effectually and completely to adjudicate upon and settle all the questions involved in the writ application, as such, the applicants are necessary party to be added to the writ petition.

12. The applicants submit that they are very much interested in this subject matter involved in the writ petition being No. 27541 (W) of 2006 and intend to place all the relevant documents in connection with the subject matter involved in the said writ petition.

13. Unless the applicants are added as party to the writ petition being No. 27541(W) of 2006, the cause and purpose of the writ petition shall be prejudicially affected.

14. The instant application is made bonafide and for the interest of the justice.

Under the facts and circumstances

stated above your applicants most

humbly pray that your Lordships

may graciously be pleased to allow

this application for addition of

parties by directing the petitioners

to add the applicants as party

performa respondents in the writ
petition being W.P. No. 27541(W)
of 2006;

And such other or further order or
orders as to your Lordships may
seem fit and proper for the ends of
justice.

AFFIDAVIT

I surajit Dasgupta, son of Late Jatindra Mohan Dasgupta, aged about 51 years by occupation business, resident of 25/1, Guruprasad Chowdhury Lane, P.S. Amherst Street, Kolkata-700 006 do hereby solemnly affirm and say as follows;

1. That I am the petitioner no.1 and am well acquainted with the facts and circumstances of the case and also I have been duly authorized by the other petitioners to affirm this affidavit on their behalf, as such, I am competent to affirm this affidavit.

2. The statement made in paragraphs 1,2,3,4,5,6,7,8,9 and 10 are true to my knowledge based on the information derived from the records which I verily believe to be true and those made in paragraphs 11,12,13 and 14 are my humble submissions before this Hon'ble court.

Prepared in my office

Sal
Advocate

Sal
Deponent is known and

identified by me

Sal
Advocate

Solemnly affirmed before me

On this 11th day of March, 2008

COMMISSIONER

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

Appellate Side

W.P. No 27541, of 2006

CAN 2133 of 2008

In the matter of:

An application under Article 226 of the
Constitution of India:

And

In the matter of:

An application for addition of parties

And

In the matter of:

Shri Ashim Kumar Ganguly & Ors

.....Petitioners

Versus

Union of India & Ors

.....Respondents

And

In the matter of

Shri Surajit Dasgupta and Ors

Applicants

APPLICATION

Miss Debjani Ghosal Advocate

Bar Association Room No.2

High Court, Calcutta

Room No. 20B,

10 Old Post Office Street,

T-542/JS(CNV)/2008

(35) 19/8

S-2054/JS(EA)/18/8

(342)

For official use only

E-Gram

No. OE-147/Amb/2008

Embassy of India

Tokyo

Office of Deputy Chief of Mission

Priority: Immediate
File No. Tok/Pol/103/17/07
Addressed to: Shri Vijay Gokhale, JS (EA), MEA
Dated: 18 August, 2008
Repeated to:

Dy. No. 32/2 JS (GNV)/2008
Date 19/8/08

हायरी सं०... 213.6.../एन.ओ./2008
Dy. No. JNGO/2008
दिनांक/Dated... 20/8

Joint Secretary (EA) from DCM

The Renkoji temple organized the 64th memorial service for Netaji Subhas Chandra Bose today. It was attended by around 50 persons, including half a dozen elderly Japanese associated with Netaji, Sugunami Ward Mayor Yamada and JIA President Ambassador Hirabayashi (who hoped that a part of the ashes be returned to India and a part be retained in Japan). JIA Chairman, former PM Mori sent a wreath.

2. The Chief Priest did not attend the ceremony but sent a written message reaffirming that he will continue to look after the ashes until they are returned to India. His designated successor, his son-in-law, also pledged that he will do his best to take care of the ashes.

for info. p.

18.8.2008

(Sanjay Bhattacharyya)

F.S.

10/8/08

JS(EA) 19.8.2008

JS(CNV) D.M. 11/8/08
JS(AE) - Netaji fu
B. MH 11/8/08

34

343

डायरी नं०...../694.../एन.जी.ओ./200 8
 Dy. No/NGO/200
 रिजर्व/Deposited 4/2

This is with reference to the recommendations of the Committee of Officers comprising of Shri Vivek Katju, Additional Secretary (Pol.), Shri Jaimini Bhagwati, Joint Secretary (Eurasia) and Shri Debnath Shaw, Joint Secretary (CNV), regarding the furnishing of information to Shri Anuj Dhar under the RTI Act, concerning the complete correspondence which the Ministry has had with the Government of erstwhile Soviet Union and Russian Federation over the disappearance of Netaji Subhash Chandra Bose.

2. JS(Eurasia) may kindly follow up on the reference made to the Russian authorities as per paragraph 2 of the recommendations of the aforesaid Committee. It would be desirable to get the response of the Russian authorities at an early date so that a reply to Shri Anuj Dhar may be given before the deadline of 30 June 2007 stipulated by the Central Information Commission in their Order No.CIC/OK/A/2006/00671 dated 23 March 2007 on the subject.

This is the life
I had wanted
to see wot a
RTI in Jinnah
House.

(Ajai Choudhry)
Additional Secretary (PP) &
Appellate Authority (RTI)
28 May 2007

US ~~NH~~ 0. *Thaler*
3/7

Pls p.p.
On 4/4
3/2/28



विदेश मंत्रालय, नई दिल्ली
MINISTRY OF EXTERNAL AFFAIRS
NEW DELHI

No. 25/4/NGO-XVI

June 11, 2008

To

Shri Amit Arora,
276, Captain Gaur Mall,
Srinivaspuri Depot,
Near Okhla Mandi,
New Delhi-110065.

Subject: Appeal under RTI Act 2005 of Shri Amit Arora.

Sir,

I am directed to refer to Ministry of Home Affairs letter No. 12014/6/08-Cdn dated 9th May 2008 on the subject above. The reply to Point (ii) of your query, which has been referred to Ministry of External Affairs, is as under:

- (ii) No decision has been taken on the question of bringing back the ashes of Netaji Subhash Chander Bose to India.

Yours faithfully,

D. Shaw

(Debnath Shaw)
Joint Secretary (CNV)
Tel. 23011357

c/c
Debnath Shaw
11/6

Copy to Shri S.K. Malhotra, Deputy Secretary/CPIO, Ministry of Home Affairs, IS Division (Cdn.), 9th Floor, Lok Nayak Bhawan, Khan Market, New Delhi-110003.

(32)

1873
Dy. No. 1873 (CNY)/2008
Date 13/05/08

(345)

No. 12014 / 6 / 08 -Cdn
Government of India
Ministry of Home Affairs
I S Division : Cdn

आपरी सं. 1163/प.स.सं. 2008
Dy. No. 1163/2008
दिनांक 14/5

9th Floor, Lok Nayak Bhawan,
Khan Market, New Delhi.

Dated, the 7th May, 2008.

To

Shri Amit Arora,
276, Captain Gaur Marg,
Sriniwas Puri Depot,
Near Okhala Mandi,
New Delhi – 110 065.

Subject: Appeal under RTI Act, 2005 of Shri Amit Arora.

Sir,

I am directed to refer to your application dated 2.4.2008 received through the Prime Minister Office on the above mentioned subject and to give point-wise reply as requested by you:-

(1) The Shah Nawaz Committee (SNC) consisting of three members was appointed in 1956 to inquire into the alleged disappearance of Netaji Subhas Chandra Bose. Two members of the Committee came to the conclusion that Netaji died in the plane crash at Taihoku on 18.8.1945, he was cremated there and his ashes were taken to Tokyo and preserved in the Renkoji Temple. The third member of the Committee and elder brother of Netaji, Shri Suresh Chandra Bose, did not agree with these findings (although he signed the draft report containing the above findings) and submitted a dissenting report. The Government accepted the majority report. As this report of the Committee did not satisfy all and there was demand for constituting another Commission, the Government appointed the Khosla Commission in 1970 to look into the matter again. This Commission also came to the conclusion that Netaji died in the plane crash at Taihoku, he was cremated there and his ashes were taken to Tokyo and preserved in the Renkoji Temple, Tokyo. Both the reports were placed in both Houses of Parliament and are in the public domain.

(2) Ministry of External Affairs is being requested to send a reply to you.

PL examine on file

D. H.
13/05/08

US (N40)

84 HH
14/5/08

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- (3 & 4) As per the Ministry of External Affairs, Government has not sanctioned for payment to Renkoji Temple.
- (5) In Ministry of Home Affairs no record is kept about the number of persons who have visited Renkoji Temple to see the ashes of Netaji.
- (6 & 7) Does not arise in view of reply given to point No. 1 above.

Yours faithfully,

[Handwritten signature]

(S K Malhotra)
Deputy Secretary / CPIO to the Govt. of India
☎ 2469 7124

Copy alongwith a copy of letter dated 2.4.2008 of Shri Amit Arora to Shri Devnath Shaw, Joint Secretary (NU), MEA, South Block, New Delhi with the request to send a reply on point 2 to ~~to~~ Shri Amit Arora under intimation to this Ministry.

Copy for information to Shri Amit Agarwal, Director & CPIO, PMO, South Block, New Delhi 110 101. w.r.t. O.M. No. RTI / 451 / 2008-PMA dated 04.04.2008.

[Handwritten signature]

(S K Malhotra)
Deputy Secretary / CPIO to the Govt. of India

सेवा में,

केन्द्रीय जनसूचना अधिकारी

प्रधानमंत्री कार्यालय

नई दिल्ली- 110 001

विषय : सूचना का अधिकार अधिनियम 2005 के तहत सूचना.

महोदय,

कृपया निम्नलिखित सवालों से संबंधित सूचना उपलब्ध कराये-

1. क्या यह बात सच है कि नेताजी सुभाष चंद्र बोस की मृत्यु हो चुकी है और उनकी अस्थियां टोकियो के रेकोजी मंदिर में रखी गई है ?
2. यदि हाँ तो हमारे देश के महान नेता की अस्थियां दूसरे देश में क्यों रखी गई है ? उन्हें भारत में क्यों नहीं लाया जा रहा है ?
3. क्या भारत सरकार ने नेताजी की अस्थियों के देखबाल के लिए किसी प्रकार की कोई व्यवस्था की है यदि हाँ तो टोकियो में नेताजी की अस्थियों की देखरेख कौन कर रहा है ?
4. भारत सरकार नेताजी सुभाष चंद्र बोस की अस्थियों की देखबाल पर प्रतिवर्ष कितने रुपये खर्च करती है ? और उनकी मृत्यु के बाद से अब तक उनकी अस्थियों की देखबाल पर प्रतिवर्ष कितने रुपये खर्च किए गए हैं ?
5. नेताजी की अस्थियों के दर्शन करने के लिए अब तक भारत के कितने लोग टोकियो के रेकोजी मंदिर गए हैं ? कृपया उनकी सूची उपलब्ध कराये ।
6. अगर टोकियो के रेकोजी मंदिर में रखी अस्थियां नेताजी सुभाष चंद्र बोस की नहीं हैं तो वह अस्थियां किसकी हैं और भारत सरकार उनकी देखरेख क्या कर रही है ?
7. यदि नेताजी सुभाष चंद्र बोस की मृत्यु की पुष्टि नहीं हुई है तो भारत सरकार उनकी खोज के लिए क्या कर रही है ? आखिर कहा है नेताजी ?

प्राप्त

अमिन अरोड़ा

276 कैप्टन गौड़ मार्ग

श्री निवास पुरी डिपो

समीप: ओखला मण्डी

नई दिल्ली-110 065

3/mt
08/04/08

/2008

WUJATI HO <110019>
UIC Ref.No: D 2067
Name: AMIT ARORA
Address: CAPTAIN GBD MARG 5th FLOOR POST
Amount: 10.00
Purpose: Miscellaneous
Description: RTI ACT
Water Assl. Code: <66> <12/08/07>



(31)

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Ministry of External Affairs
Foreign Secretary's Office

Reference PMO U.O. Nos. 1045682/PMO/2008-pol-3 dated 2.4.2008, ID No. 1053058/JSP/2008 dated 12.4.2008 and 1055555/PMO/2008-POL dated 7.4.2008 regarding letters written by Governor Jharkhand and Minister for Minority Affairs forwarding the following proposals from Shri Shashi Bhushan, Ex-MP, President, Institute for Socialist Education and Member, National Committee for the Celebration of 150th Year of First War of Independence:

- (i) to bring the ashes of Netaji Subhas Chandra Bose from the Renkoji Temple in Tokyo and place them in the Red Fort;
- (ii) to bring a handful of earth from the burial place of Bahadur Shah Zafar in Yangon and symbolically place it on his death anniversary on November 7, 2008 in the Sardaba which Zafar marked as his grave in Zafar Mahal Complex and to conserve Zafar Mahal at Mehrauli and develop it as his memorial; and
- (iii) to bring a handful of earth from the grave of Begum Hazrat Mahal in Kathmandu and bury it at a suitable place in Lucknow as a token of our respect for her role in 1857.

2. The comments of this Ministry ad seriatum on the above proposals made by Shri Bushan are as under:

- (i) MEA had earlier conveyed to PMO vide U.O. No. 25/4/NGO-Vol.XVI dated 18th June 2007 the following in response to a letter from Shri Barun Mukherjee, MP and Shri Subrata Bose, MP:

"it has been decided in principle by the External Affairs Minister that, bearing in mind that Government of India has accepted that these are indeed the ashes of Netaji Subhas Chandra Bose and also noting that the new Head Priest of the Renkoji Temple has conveyed that he may no longer in a position to ensure preservation of the remains with due respect at Renkoji, the ashes be relocated to a suitable place in the new building of the Indian Embassy in Tokyo. Construction work on the new chancery will begin in July 2007 and is expected to be completed by July 2009."

Since a decision has been taken in principle that the ashes will be relocated to a suitable place in the new chancery, at this juncture getting the ashes from the Renkoji temple in Tokyo would not be advisable. Once they have been shifted to new Chancery a view could be taken thereafter as to whether we may bring them to India.

9c


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- (ii) A proposal had earlier been made to the PMO to move the grave of Bahadur Shah Zafar from Yangon to Delhi as part of the 150th commemoration of the First War of Independence. FS had earlier conveyed vide letter No. 3234/FS/07 dated 29 March 2007 that similar proposals made earlier had not found favour primarily due to the effect it would have on our understanding with Myanmar. PM Nehru had decided to let the memorial of Bahadur Shah Zafar remain in Yangon as a tribute to India's faith and confidence in Myanmar's respect for Indian national sentiments. It was also likely that if we were to attempt to shift the grave disregarding Myanmarese sentiments, Pakistan could make its habitual anti-historical claim to the grave. The grave in Yangon was well maintained and is a symbol of the shared legacy between India and Myanmar.

Bringing handful of earth from the grave symbolically is the same as the earlier proposal. It may also raise questions in Myanmar's mind about our long term plans for the grave. Thus for the very same reasons as conveyed by FS earlier, it would not be advisable to entertain this proposal. Regarding conserving of Zafar Mahal in Mehrauli, this Ministry has no objection. Department of Culture could be asked by PMO to look into it.

- (iii) As regards the third suggestion, our relations with Nepal are at present very delicately poised, given the ongoing political transition in Nepal. In such a backdrop if this proposal is agreed to it is unlikely to have a positive effect on the bilateral relations. Therefore MEA would advise against it.

3. This issues with the approval of FS.


(Naveen Srivastava)
Director (FSO)

Shri Rudrendra Tandon, DS, PMO, South Block, New Delhi
MEA U.O. No. 4557 /FS/2008 dated 24 April, 2008

30

URGENT

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**F.No.25/4/NGHO-Vol.XVI
Ministry of External Affairs
(East Asia Division)**

Reference PMO ID No.1055555/PMO/2008-POL dated April 7 2008 enclosing the letter addressed to the Prime Minister from the Governor of Jharkhand regarding "Celebrations of 150th Anniversary of First War of India's Independence", on which the comments of this Ministry have been requested.

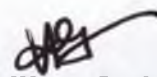
2. One of the suggestions in the FR is "to bring the ashes of Netaji Subhas Chandra Bose from the Renkoji Temple in Tokyo and place them in the Red Fort."

3. In this regard the following position was communicated to the Prime Minister's Office vide U.O. No.25/4/NGO-Vol.XVI dated 18th June 2007:

It has been decided in principle by the External Affairs Minister that, bearing in mind that Government of India has accepted that these are indeed the ashes of Netaji Subhas Chandra Bose and also noting that the new Head Priest of the Renkoji Temple has conveyed that he may no longer in a position to ensure preservation of the remains with due respect at Renkoji, the ashes be relocated to a suitable place in the new building of the Indian Embassy in Tokyo. Construction work on the new Chancery will begin in July 2007 and is expected to be completed by July 2009.

4. This information was provided to the Prime Minister's Office with the approval of EAM/FS to enable the PMO to respond to a letter from Shri Barun Mukherjee, MP and Shri Subrata Bose, MP. The response sent by the Prime Minister's Office is not available with this Division.

5. The material above may be used to frame the Ministry's response to the FR.


(Vijay Gokhale)
Joint Secretary (EA)
10.4.2008



Director (FSO)

4008/FS108 (351)
8/4
1072/JS(EA)108/8/4

PRIME MINISTER'S OFFICE

Enclosed kindly find a letter dated March 31, 2008 addressed to PM from Governor of Jharkhand regarding "celebrations of 150th Anniversary of First War of India's Independence."

2. Prime Minister has directed that MEA's comments on the proposals made in the enclosed letter be obtained.

3. It is requested that MEA's comments may kindly be forwarded to this Office at the earliest.


(Virander Paul)
Director


Director // FSO, Ministry of External Affairs

PMO ID No. 1055555/PMO/2008-POL Dated: April 7, 2008

Encl: as above

Earlier communication in this regard had been made to
EX/PSM Divisions. Grateful for urgent inputs, so that comments
can be forwarded to PMO.

Dep copy
(i) JS(EA)
(ii) JS(PM)


8/4



SYED SIBTEY RAZI
GOVERNOR OF JHARKHAND

352
Raj Bhawan
Ranchi-834001
Tel. : (O) 0651-2283469
: (R) 0651-2283465
Fax : 0651-2201101

No.RB/ 257 /2008
Dated, the 31st March '08

Respected Prime Minister

Sub :- Celebration of 150th Anniversary of First War of India's Independence.

I am writing this letter to bring to your kind notice that certain suggestions have been made by Shri Shashi Bhushan Member, National Committee for the celebration of 150th Year of First War of independence to include certain items in the next meeting of the National Committee.

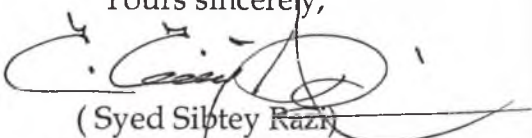
1. To bring the ashes of Netaji Subhas Chandra Bose from the Rinkoji Temple in Tokyo and place them in the Red Fort.
2. To bring a handful of earth from the burial place of Bahadur Shah Zafar in Rangoon (now Yangon) and symbolically place it on his death anniversary on November 7, 2008 in the Sardaba which Zafar had marked as his grave in Zafar Mahal Complex and to conserve Zafar Mahal at Mehrauli and develop it as a memorial to Zafar.
3. To bring a handful of earth from the grave of Begum Hazrat Mahal in Kathmandu and bury it at a suitable place in Lucknow as a token of our respect for her role in 1857. Begum Hazrat Mahal lived in Kathmandu till her death in 1879 and is buried in the mosque, which she had built and known as Hindustani Masjid till today.

I may mention here that previously also I had requested the Hon'ble External Affairs Minister to direct the officials of the Indian Embassy at Nepal for taking suitable steps to restore the glory of the Tomb of Begum Hazrat Mahal which is located near Bagbazar Chowk near New Tank Kathmandu(Nepal).

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I shall be much thankful if the above proposals are considered for the next meeting of the National Committee for the Celebration of 150th Anniversary of First War of India's Independence.

With regards,

Yours sincerely,

(Syed Sibtey Razi)
Governor of Jharkhand

To

Hon'ble Dr. Manmohan Singh
Prime Minister of India &
Chairman, National Committee
The Celebration of 150th Year of
First war of Independence
South Block
New Delhi.

(29)

3816/JS/08

(354)

3/4

1027/JS(EA)108/4/4

सं. सं. 800/19.3.08
 Dy. No. 4/4
 Date/Dated. 4/4

PRIME MINISTER'S OFFICE

Prime Minister has received the enclosed letter dated 18th March, 2008 from Minister of Minority Affairs who has forwarded a letter received from Shri Shashi Bhushan, Ex-MP, President, Institute for Socialist Education and Member, National Committee for the Celebration of 150th Year of First War of Independence.

2. MEA is requested for a draft reply from PM to the Minister of Minority Affairs.

R. T.

(Rudrendra Tandon)
Deputy Secretary

may wish to be M. 3/4

✓ Director (FSO), MEA

PMO UO No. 104566/PMO/2008-POL-3 Dated: 2.4.2008

Encl. As above.

Separate copy to:- Home Secretary – Inputs for the same, if any, may kindly be provided to MEA, under intimation to this Office.

(Rudrendra Tandon)
Deputy Secretary

✓ JS(EA)
JS(Ram)

Pl. p.u. on Netaji file.

4.4.2008

N200

14.04.08
4/4/08

JS(EA) has
seen & returned.
on 10/4/08

A. R. Antulay

ए. आर. अंतुल

Telefax: 24364277
24364274
24364275



7.0 NO 355
Ministry of Minority Affairs
Government of India
1st Floor, B-1 Wing, Jawahar Bhawan
C.G.O. Complex, Lodhi Road, New Delhi
110003
11वीं मंजरी, 11वीं मंजरी, भारत
के बीच, संयुक्त राज्य के बीच

18 March 2008

I am enclosing herewith a copy of the letter received from Shri Shashi Bhushan, Ex. MP, President, Institute for Socialist Education and Member, National Committee for the Celebration of 150th Year of First War of Independence.

Shri Shashi Bhushan has proposed (i) to bring the ashes of Netaji Subhas Chandra Bose from the Rinkoji Temple in Tokyo and place them in the Red Fort; (ii) to bring a handful of earth from the burial place of Bahadur Shah Zafar in Rangoon (now Yangon) and symbolically place it on his death anniversary on November 7, 2008 in the Sardaba which Zafar had marked as his grave in Zafar Mahal Complex and to conserve Zafar Mahal at Mehrauli and develop it as his memorial; and (iii) to bring a handful of earth from the grave of Begum Hazrat Mahal in Kathmandu and bury it at a suitable place in Lucknow as a token of our respect for her role in 1857.

I feel that these suggestions deserve to be considered favourably. You may like to, therefore, kindly bestow your consideration upon these suggestions.

Hon'ble Dr. Manmohan Singhji
Prime Minister of India
South Block
New Delhi



SHASHI BHUSHAN Ex M.P.
President
Institute for Socialist Education
A.I. Freedom Fighters Federation



National Logo
Celebrations of
150th Year of 1857



Member
National Committee
The Celebration of 150th Year
of First War of Independence

Ref No. : ISE1/150Yr.1857-4/08/03/906

March 7, 2008

Respected Shri A.R. Antulay ji,

I would like to bring to your kind notice that I have proposed some items to be included in the Agenda of the next meeting of the National Implementation Committee for the Celebration of 150th Anniversary of the First War of Independence which includes the following:

1. To bring the ashes of Netaji Subhas Chandra Bose from the Rinkoji Temple in Tokyo and place them in the Red Fort. A brief-note on the last journey by the bomber which crashed, confirming the death of Netaji, is enclosed herewith.

The ashes be brought to India with State honours as a tribute to a man who sacrificed his life for the freedom of India.

2. To bring a handful of earth from the burial place of Bahadur Shah Zafar in Rangoon (now Yangon) and symbolically place it on his death anniversary on November 7, 2008 in the Sardaba which Zafar had marked as his grave in Zafar Mahal Complex and to conserve Zafar Mahal at Mehrauli and develop it as a memorial to Zafar.
3. To bring a handful of earth from the grave of Begum Hazrat Mahal in Kathmandu and bury it at a suitable place in Lucknow as a token of our respect for her role in 1857. Begum Hazrat Mahal lived in Kathmandu till her death in 1879 and is buried in the mosque which she had built and known as Hindustani Masjid till today.

I am writing this letter from Apollo Hospital where I am admitted, otherwise I would have personally conveyed my request that you may write to the Prime Minister, Chairman of the National Committee and to Shri Arjun Singh, Chairman of the National Implementation Committee for Chalking Out Programmes to Commemorate 150th Anniversary of the First War of Independence-1857, 60th Anniversary of the Indian Independence and other related Anniversaries and Centenaries, to decide the aforesaid matters at the earliest for their implementation.

With regards,

Yours sincerely

Shashi Bhushan

(Shashi Bhushan)

Shri A.R. Antulay
Union Minister for Minority Affairs
1, Jantar Mantar Road,
New Delhi - 110001

Encl: 1. Detailed proposals as submitted to the NIC;

Dy. NO 578 MMA/2008
12-3-2008

359

Phone : 26569946
26867617
Telefax : 26560108

SECULAR HOUSE
(Opp. JNU East Gate)

1, Aruna Asaf Ali Marg
New Delhi - 110067



SHASHI BHUSHAN Ex M.P.
President
Freedom Movement Memorial Committee
Institute for Socialist Education

Shri Shashi Bhushan member of National Implementation Committee for Commemoration of the 150th Anniversary of the First War of Independence 1857 suggest the following proposal to be included in the Agenda for the meeting.

1. Bahadur Shah Zafar :

Considering that the last remains of Shaheed Udham Singh were brought to India after Independence and earlier Frenchmen had brought remains of Napoleon and re-buried them in Paris with state honours, we should undertake :

To bring a handful of the earth from the burial place of Bahadur Shah Zafar from Rangoon and symbolically place it in the **Sardaba** which Zafar had marked as his grave in Zafar Mahal Complex on is Death Anniversary on November 7. To restore and to conserve Zafar Mahal at Mehrauli, Delhi and to develop it as a Memorial to Bahadur Shah Zafar with a Museum of his personal belonging and his works (Poetry, Specimen of calligraphy, Books on Sufism etc.) and Restoring Khooni Darwaza in Bahadur Shah Zafar Marg, Delhi, where his two sons and a grandson were shot dead and beheaded, and their bodies were hung to terrorize people. A rock be placed there with names of the martyrs and the event inscribed thereon. Installation of a statue of Bahadur Shah Zafar.



Bahadur Shah Zafar

2. Netaji Subhas Chandra Bose :

Similarly to bring the ashes of Netaji Subhas Chandra Bose from the Rinkoji temple in Tokyo and place them in the Red Fort, considering that his death has been confirmed by his colleagues who survived the air crash, and also by the INA officers, Gen. Shah Nawaz, Col. Dhillon and Col. Sehgal.

Only less than half a dozen person had the chance to handle the ashes of Netaji Subhas Chandra Bose. Even among those who attended to seriously wounded Netaji after the air crash and his subsequent death, only two were alive in 1946. One of them was the Chief of the Japanese Army Hospital, himself a Surgeon who arranged blood transfusion for Subhas Chandra Bose. The other was a Formosan Nurse Tsan Pi Sha who said that Netaji was brought to the Hospital with third degree burns and in a semi-conscious state. According to her, Netaji breathed his last eight hours after the air crash, around 11:30 p.m. on 8th August, 1945.



Sardaba

The body of Netaji was brought to the electric crematorium and was cremated with full State honours at Taipei in Formosa. The ashes were collected on the following day by Colonel Habibur Rehman, the accompanying Security Officer of Netaji who had escaped severe burns and injuries since he was occupying the tail end of the Japanese bomber which had crashed. The ashes were kept for three days in a Buddhist shrine at Taipei before being taken to Rinkoji Temple, about 30 Km from Tokyo, where the ashes are still lying.



Netaji Subhas Chandra Bose

Shri Harin Shah who visited Formosa after detailed investigation and during his meetings with the Surgeon and Formosan Nurse who was in attendance on Netaji at the Namnon Military Hospital, Taipei, as also the care taker of the electric crematorium Mr. Chu Sangh, confirmed the death and cremation of Subhas Chandra Bose. There is no doubt that the ashes of Netaji are lying in the Rinkoji Temple near Tokyo.

The ashes of Netaji Subhas Chandra Bose should be brought to India with State honours as a tribute to a man who sacrificed his life for the freedom of India and was the Supreme Commander of the Azad Hind Fauj.

3. Begum Hazrat Mahal :

To bring a handful of earth from the grave of Begum Hazrat Mahal in Kathamandu and bury it at a suitable place in Lucknow as a token of our respect for her role in 1857-58. It is to be remembered that she fought till early 1859 against the combined forces of British, the Nepalese who had come down to Lucknow under the command of Rana Jang Bahadur, the then Prime Minister of Nepal and the armies of Kapurthala and Patiala. While retreating from Shahjehanpur where she had rushed to reinforce Nana Saheb, Tatya Tope and Maulvi Ahmadullah Shah. Because of the diversion caused by her attack the three besieged leaders of the uprising could escape.

Begum Hazrat Mahal had to retreat but the British were confronted by the entire populace of Avadh aroused like "wild fire". The British realizing that it was impossible to fight and defeat her, advised Rana Jang Bahadur, who had earlier refused permission for her to enter Nepal, to let her go to Nepal



A BRIEF NOTE ON NETAJI SUBHAS CHANDRA BOSE LAST JOURNEY BY THE BOMBER WHICH CRASHED

Only less than half a dozen person had the chance to handle the ashes of Netaji Subhas Chandra Bose. Even among those who attended to seriously wounded Netaji after the air crash and his subsequent death, only two were alive in 1946. One of them was the Chief of the Japanese Army Hospital, himself a Surgeon who arranged blood transfusion for Subhas Chandra Bose. The other was a Formosan Nurse Tsan Pi Sha who said that Netaji was brought to the Hospital with third degree burns and in a semi-conscious state. According to her, Netaji breathed his last eight hours after the air crash, around 11:30 p.m. on 8th August, 1945.

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4201/81/08
12/4
(359)

PRIME MINISTER'S OFFICE
NEW DELHI-110 101

Enclosed below is a copy of a letter dated 31.3.2008 addressed to the Prime Minister from Shri Syed Sibtey Razi, Governor of Jharkhand.

2. Earlier PM had received another letter from Shri Shashi Bhushan with identical suggestions.
3. PM has desired to have MEA's comments.
4. May kindly see.


(Pankaj Saran)
Joint Secretary to PM

Foreign Secretary

PMO ID No.1053058/JSP/2008 Dated : 12.4.2008



SYED SIBTEY RAZI
GOVERNOR OF JHARKHAND

360
Raj Bhawan
Ranchi-834001
Tel. : (O) 0651-2283469
: (R) 0651-2283465
Fax : 0651-2201101

No.RB/ 257 /2008
Dated, the 31st March '08

Respected Prime Minister

Sub :- Celebration of 150th Anniversary of First War of India's Independence.

I am writing this letter to bring to your kind notice that certain suggestions have been made by Shri Shashi Bhushan Member, National Committee for the celebration of 150th Year of First War of independence to include certain items in the next meeting of the National Committee.

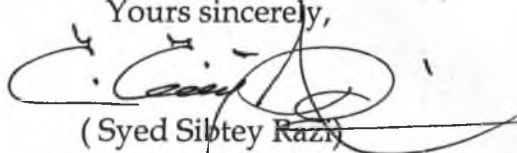
1. To bring the ashes of Netaji Subhas Chandra Bose from the Rinkoji Temple in Tokyo and place them in the Red Fort.
2. To bring a handful of earth from the burial place of Bahadur Shah Zafar in Rangoon (now Yangon) and symbolically place it on his death anniversary on November 7, 2008 in the Sardaba which Zafar had marked as his grave in Zafar Mahal Complex and to conserve Zafar Mahal at Mehrauli and develop it as a memorial to Zafar.
3. To bring a handful of earth from the grave of Begum Hazrat Mahal in Kathmandu and bury it at a suitable place in Lucknow as a token of our respect for her role in 1857. Begum Hazrat Mahal lived in Kathmandu till her death in 1879 and is buried in the mosque, which she had built and known as Hindustani Masjid till today.

I may mention here that previously also I had requested the Hon'ble External Affairs Minister to direct the officials of the Indian Embassy at Nepal for taking suitable steps to restore the glory of the Tomb of Begum Hazrat Mahal which is located near Bagbazar Chowk near New Tank Kathmandu(Nepal).

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I shall be much thankful if the above proposals are considered for the next meeting of the National Committee for the Celebration of 150th Anniversary of First War of India's Independence.

With regards,

Yours sincerely,

(Syed Sibtey Razi)
Governor of Jharkhand

To

Hon'ble Dr. Manmohan Singh
Prime Minister of India &
Chairman, National Committee
The Celebration of 150th Year of
First war of Independence
South Block
New Delhi.



प्रधान मंत्री

Prime Minister

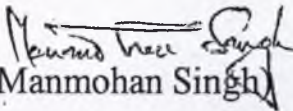
New Delhi
8 April, 2008

Dear Sibtey Razi ji,

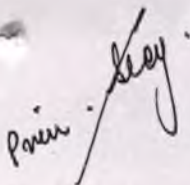
I have received your letter of 31 March, 2008 regarding proposals for consideration in the next meeting of the National Committee for the celebration of 150th Anniversary of the First War of India's Independence.

With warm regards,

Yours sincerely,


(Manmohan Singh)

Shri Syed Sibtey Razi
Governor of Jharkhand
Raj Bhavan
Ranchi


P. V. N. Rao

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DRAFT

Dear

I have received your letter of 31st March 2008 regarding proposals for consideration in the next meeting of the National Committee for the celebration of 150th Anniversary of the First War of India's Independence.

With regards,

Yours sincerely,

PM

**Shri Syed Sibtey Razi
Governor
Jharkhand**

DDPPL
on
7/10
Dir (P)
MEAs comments have been
requested.
[Signature]
8/11
PS(J)

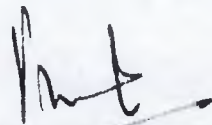
1147/29 (2871)/08
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4008/FS108
894
(364)

PRIME MINISTER'S OFFICE

Enclosed kindly find a letter dated March 31, 2008 addressed to PM from Governor of Jharkhand regarding "celebrations of 150th Anniversary of First War of India's Independence."

2. Prime Minister has directed that MEA's comments on the proposals made in the enclosed letter be obtained.

3. It is requested that MEA's comments may kindly be forwarded to this Office at the earliest.


(Virander Paul)
Director

Director/ FSO, Ministry of External Affairs

PMO ID No. 7055555/PMO/2008-POL Dated: April 7, 2008

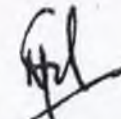
Encl: as above

Earlier communication in this regard had been made to
Ek/PMO Division. Grateful for urgent inputs, so that comments
can be forwarded to PMO.

Depy Secy

(i) JS(IA)

(ii) JS(BM)


8/4

365

SYED SIBTEY RAZI

GOVERNOR OF JHARKHAND

Raj Bhawan
Ranchi-834001
Tel. : (O) 0651-2283469
: (R) 0651-2283465
Fax : 0651-2201101

No.RB/ 257 /2008

Dated, the 31st March '08

Respected Prime Minister

Sub :- Celebration of 150th Anniversary of First War of India's Independence.

I am writing this letter to bring to your kind notice that certain suggestions have been made by Shri Shashi Bhushan Member, National Committee for the celebration of 150th Year of First War of independence to include certain items in the next meeting of the National Committee.

1. To bring the ashes of Netaji Subhas Chandra Bose from the Rinkoji Temple in Tokyo and place them in the Red Fort.
2. To bring a handful of earth from the burial place of Bahadur Shah Zafar in Rangoon (now Yangon) and symbolically place it on his death anniversary on November 7, 2008 in the Sardaba which Zafar had marked as his grave in Zafar Mahal Complex and to conserve Zafar Mahal at Mehrauli and develop it as a memorial to Zafar.
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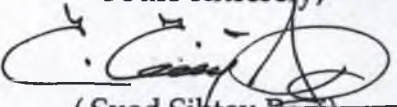
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366

I shall be much thankful if the above proposals are considered for the next meeting of the National Committee for the Celebration of 150th Anniversary of First War of India's Independence.

With regards,

Yours sincerely,


(Syed Sibtey Razi)
Governor of Jharkhand

To

Hon'ble Dr. Manmohan Singh
Prime Minister of India &
Chairman, National Committee
The Celebration of 150th Year of
First war of Independence
South Block
New Delhi.

MOST IMMEDIATE
RTI MATTER

Ministry of External Affairs
(CNV Division)

.....

Kindly refer to u.o. of even number dated 31st December 2007 regarding information on Netaji Subhash Chandra Bose to be provided under the Right to Information Act 2005 to Shri Dev Ashish Bhattacharya.

2. A reference was made to National Archives of India to provide information on the subject and a copy of their reply is enclosed herewith for information.

D. Sh

(Debnath Shaw)

Joint Secretary(CNV)

AK

MHA, Internal Security Division (Shri L.C.Goyal, Joint Secy), New Delhi

MEA u.o.No.25/4/NGO-XVI dt. 12 February, 2008

Issued
18/2/08

(6)
F. No. 63-2(ix)/2007 RTI
National Archives of India
Government of India
Janpath, New Delhi – 01

the 31 JAN 2008

The Joint Secretary
A & RM Division,
(A & RM) MER,
Ministry of External Affairs
South Block
New Delhi

flay
2/2
S O C R M ?

Subject : Providing Information under RTI to Shri Dev Ashish Bhattacharya, New Delhi, on Netaji Subhash Chander Bose

Sir,

Please refer to letter no. Q/RM/551/11/2007 dated 27.12.2007 on the subject cited above, it is to inform you that a search has been made amongst the record holdings of Ministry of External Affairs available with National Archives of India but documents pertaining to the specific requisite information are not found transferred to this office.

Yours faithfully,

M. Gautam

(Dr. Meena Gautam)
Deputy Director of Archives & CPIO

27

637
Dy. No. JS (CNV)/2008
Date ... 08/02/08

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MOST IMMEDIATE
RTI MATTER-TIME BOUND

Q/RM/551/11/2007
Ministry of External Affairs
(A & RM)

.....

Subject:- Providing information under RTI to Shri Dev Ashish Bhattacharya,
New Delhi on Netaji Subhash Chandra Bose.

23

Reference JS (CNV)'s note No. 25/4/NGO-XVI dated 19.12.07 on the subject mentioned above.

2. A Copy of the reply received from National Archives of India is enclosed.

Manoj Mishra

(Malay Mishra)
JS (A & RM)/MER
08/02/2008

JS (CNV).

Pl examine on file. & note to
RTI Div.

D. M.
08/02/08

SD(NH)

on file pls
SD NH
08/02/08

(6)

F. No. 63-2(ix)/2007 RTI
National Archives of India
Government of India
Janpath, New Delhi – 01

390

the 31 JAN 2008

The Joint Secretary
A & RM Division,
(A & RM) MER,
Ministry of External Affairs
South Block
New Delhi

flay
2/2
SDCRM?

Subject : Providing Information under RTI to Shri Dev Ashish Bhattacharya, New Delhi, on Netaji Subhash Chander Bose

Sir,

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Yours faithfully,

M. Gautam

(Dr. Meena Gautam)
Deputy Director of Archives & CPIO

(26)

S-2758/IS(49)17/31/12

~~Secret~~

(37)

TOK/POL/103/17/07

Embassy of India
Tokyo

Prof. Sugata Bose, grand-nephew of Netaji Subash Chander Bose visited Renkoji on December 16, 2007. He was accompanied by Prof. Tansen Sen and Dr. Y. S. Rajan. Rev. Mochizuki of Renkoji was accompanied by his wife and son-in-law Kyosen. Suginami Mayor Hiroshi Yamada and three members from the Suginami Ward Assembly were also present. The meeting was arranged at the request of Prof. Bose. Interpreter Takeuchi accompanied Prof. Bose and has reported on the meeting as follows:-

2. Prof Bose expressed gratitude to Rev. Mochizuki for looking after Netaji's ashes. He urged him to look after it till the time is appropriate to take it back to India with full honours. He said it was regrettable that the Government of India refuses to accept the ashes are genuine and that there is some controversy on the issue.

3. Rev. Mochizuki introduced his son-in-law and said that he would take over the work of looking after the ashes in case something were to happen to him. Kyosen then assured Prof. Bose that he is prepared to assume the responsibility of looking after the ashes. ←

4. Mayor Yamada said (a) he wishes to set up a cooperative relationship between Suginami Central Library and Bose Research Institute in Kolkata (b) establish sister city relationship between Suginami and Kolkata (c) sought press guidance of what to say about Netaji's ashes during his forthcoming visit to India from December 22, 2007 and (d) sought support to install bust of Netaji in the Suginami Central Park.

5. Prof. Bose responded (a) the Institute would be happy to provide books and CDs (b) Kolkata is a large city; Suginami could explore relations with a locality in Kolkata connected with Netaji (c) the local Bengali channel titled "Akash" is controversial which Yamada needs to take note of, it is not necessary to show proof as there are many witnesses in Taipei and that they may conduct a DNA test in Japan or USA or Germany and (d) Suginami could raise funds for the bust which could be contributed to the Institute from which the Institute will be able to provide the bust.

SECRET

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6. Takeuchi noted that the health of Rev. Mochizuki has worsened considerably over time, that he appears to be paralyzed below his waist and was using a wheel-chair. She also suggested that the Embassy might consider sending some flowers to him, as per Japanese practice.

डा. नं. 19
Dy. No. 02/1
दिनांक/Date 19.12.2007
NGOR200

Sanjay

(Sanjay Bhattacharyya)
Deputy Chief of Mission
December 17, 2007

~~Ambassador~~

Pls send copy to JS(EA).

Unhigh

17/12

8/11

Sanjay
18/12

~~JS(EA)/MEA~~

May pl. see for info.

~~HS~~

31.12.2007

F.S.

12/12

~~JS(EA)~~

1.1.2008

11/1/08

~~Dir (EA)~~

Netaji File

2/1/08

(25)

MOST IMMEDIATE
RTI - APPROX

Ministry of External Affairs
(CNV Division)

....

(322)

Ministry of Home Affairs may please refer to their endorsement No. 12014/2/07-Cdn dated 5th December, 2007 regarding information on Netaji Subhash Chandra Bose to be provided under the Right to Information Act 2005 to Shri Dev Ashish Bhattacharya.

2. There is no information available in this Ministry on question No. (iv) assigned to MEA.
3. A reference has been made to National Archives of India to provide information on the subject, if any, available with them. The information if and when received will be forwarded to Ministry of Home Affairs..

D. Shaw

(Debnath Shaw)
Joint Secretary(CNV)

OK

MHA, Internal Security Division (Shri L.C.Goyal, Joint Secy), New Delhi

MEA u.o.No.25/4/NGO-XVI dt. 31st December 2007

Done
11/1/2008

(24)
Dy. No. 4596 JS (CNV)/2007
Date 27/12

393

MOST IMMEDIATE
RTI MATTER-TIME BOUND

Q/RM/551/11/2007
Ministry of External Affairs
(A&RM division)
.....

संख्या सं० 3033/स.सं.ओ/2007
Dy. No. 1190/2007
दिनांक/Dated 28/12

Subject:- Providing information under RTI to Shri Dev Ashish Bhattacharya, New Delhi, on Netaji Subhas Chandra Bose.

Reference JS (CNV)'s note No.25/4/NGO-XVI dated 19.12.07 on the subject mentioned above

2. There are no records available in RM Section on the subject. As for the records forwarded elsewhere for archival purposes, a reference is being made to the National Archives of India. On receipt of a reply JS (CNV)'s office will be intimated accordingly.

Malay m/m.
(Malay Mishra)
JS (A&RM)/MER
27.12.2007

JS (CNV)
We need to send a reply to MHA
based on info available thus far.
Pl. fm. DFA.

D. P. M.
29/12/07

SO (MHA)
R. P. M.
A. M. H.
28/12/07

23

324

MOST IMMEDIATE
RTI MATTER – TIME BOUND

No. 25/4/NGO-XVI
Ministry of External Affairs
CNV Division

Subject : Providing information under RTI to Shri Dev Ashish
Bhattacharya, New Delhi on Netaji Subhas Chandra Bose

MHA have forwarded to the Ministry, an RTI appeal by Shri
Dev Ashish Bhattacharya, New Delhi on the following issue:

“Does Government of India acknowledge the Provisional Government of
Free India in exile formed by Netaji Subhas Chandra Bose? If yes, then
has Netaji been given the Head of the state status by the Government of
India. If not, then what are the reasons?”

2. The available records in the NGO Section have been checked
and there is no file/information on the above subject. A & RM Division is
requested to check their records for any file/information whether
maintained in the Division or forwarded elsewhere for archival purposes.
If found, file/reference on the same may be sent to the undersigned. If
not, we may kindly be informed.

3. Since RTI matters have to be disposed off in a time bound
manner, JS(A&RM)'s response may kindly be sent by 31.12.07

D. Shaw.

(Debnath Shaw)
JS (CNV)
19.12.07

JS (A&RM)

JS
19/12

395

**** Transmit Conf. Report ****

P.1

19 Dec 2007 11:28

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MOST IMMEDIATE
RTI MATTER - TIME BOUND

No. 25/4/NGO-XVI
Ministry of External Affairs
CNV Division

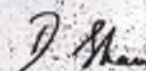
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If found, file/reference on the same may be sent to the undersigned. If
not, we may kindly be informed.

3. Since RTI matters have to be disposed off in a time bound
manner, JS(A&RM)'s response may kindly be sent by 31.12.07



(Debnath Shaw)
JS (CNV)

Dy. No. 4491/JIS (CNV)/2007
Date 14/12/07

URGENT
APPEAL UNDER RTI

No. 12014/2/07-Cdn.
Government of India
Ministry of Home Affairs
Internal Security Division

Lok Nayak Bhavan 9th Floor, 'C' Wing.
Room No. 8, New Delhi, Dt. 5-12-2007

To

Shri Dev Ashish Bhattacharya,
91-K, DIZ Area, Sector-IV,
B.K.S. Marg, New Delhi -110001.

**Subject: - First Appeal for providing information on Netaji Subhash
Chandra Under RTI asked for in your application dt. 8-06-07.**

Sir,

Please refer to your First Appeal dated 16-11-07 under Section 19 of the RTI Act, against the letter dt. 5-07-07 issued by CPIO, MHA on the above subject. It is observed that the First Appeal can be preferred within a period of 30 days only. However, I have decided to accept your appeal, and acceding to your request for transfer of the First Appeal to Department concerned. I am sending a copy of the Appeal to Departments concerned as under:-

- i) DAVP for question No. (i) & (ii)
- ii) M/o Defence for question No. (iii)
- iii) M/o External Affairs for question No. (iv)
- iv) National Archives for question (v) & (vi)
- v) M/o Culture for question No. (x)

Yours faithfully,

(L.C. Goyal)
Joint Secretary (IS)

In continuation of this Ministry's letter of even No. dt. 5-07-07, copy along with a copy of first appeal forwarded to the following Ministries/Departments with request to place the matter before the Appellate Authority concerned for decision under RTI: -

1. M S Shalini Narayanan, Director, CPIO, DAVP, Soochna Bhawan, CGO Complex, Lodhi Road, New Delhi.

URGENT RTI Matter
For a.a. fl. no. 14/12/07 (iii)


D. Shu
14/12/07

SO (NCO)

2. MHA
14/12/07

- 2 -

- ✓ 2. Shri L.D. Ralte, Joint Secretary (CN&V), MEA, South Block, New Delhi.
3. National Archives (Sh. K.K. Sharma, Asstt. Director of Archives (Records), Janpath, New Delhi.
4. Mrs. R. Dhanedhar, Director, Ministry of Defence, History Division, Wing-I, West Block-8, R.K. Puram, New Delhi.
5. Ministry of Culture (Shri Sudesh Kumar, Deputy Secretary, Shastri Bhawan, New Delhi.


(L.C. Goyal)
Joint Secretary (IS)

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FIRST APPEAL

DATED : 16.11.2007

To

88648/PIC/01

19/11/07

The Home Secretary,
Ministry of Home Affairs,
North Block,
New Delhi - 110001.

Subject:- Netaji Subhas Chandra Bose - A Forgotten Hero.

Sir,

Please find herewith enclosed my application dated 08.06.2007 under section 6 of the RTI Act, 2005 alongwith relevant enclosures. Contents of the said application are self explanatory in nature.

The said application was transferred to various authorities by Shri S.K. Malhotra on 5th July, 2007 for providing the information. While doing so, Shri S.K. Malhotra violated Rule 6 (3) of the RTI Act, 2005 by not transferring my application to the appropriate authorities within 5 days from the date of receipt of the application. Shri S.K. Malhotra also tried to confuse the issue by not specifically mentioning the points to be answered by the different authorities. Please find enclosed the copy of the said letter No.16012/2/2007-cdn. dated 5.7.2007.

I have got the correct information with regard to my query No. VII, VIII & IX from the concerned authorities. But I am yet to get the information with regard to my query nos. (i), (ii), (iii), (iv), (v), (vi) and (x).

Please find enclosed letter No. 12014/2/07-Cdn. dated 01.08.2007 of Shri S.K. Goswami enclosing a vague and confusing reply of National Archives.

You are requested to transfer the copy of my First Appeal to the appropriate authorities for providing me the required information at the earliest.

cont...2/-

329

83

It seems that Govt. is trying to confuse the issue of providing the due respect to the great statesman and freedom fighter of our country. Therefore, Govt. agencies are trying to frustrate me and confuse me by either giving vague information or no information at all. Please be assured that the issue pertaining to the respect and honour of Shri Subhas Chandra Bose will be kept alive till his due is provided by the Govt.

Thanking you,

Yours faithfully,

Dev Ashish

(DEV ASHISH BHATTACHARYA)
91 -K, Sector IV; D.I.Z. Area,
B.K.S. Marg, New Delhi-110001.

Enclosures: As mentioned above.

The Home Secretary,
Ministry of Home Affairs,
North Block,
New Delhi-110 001.

Sir,

Please find enclosed the copy of the letter No. CPIO(SN)/RTI/DAB/07 dated 09.04.2007 through which it is indicated that during the period from 01.04.2006 to 26.03.2007 DAVP has spent Rs.1,09,66, 05,750/- on display advertisements to various newspapers and approximately Rs.100 crores on electronic media. It is also mentioned in the above mentioned letter that "**no advertisement was released by DAVP on 23rd January, 2007 (Netaji's Birth Day) to spread the message of Netaji Subhas Chandra Bose**". Please find enclosed the copy of the letter No. 12014/2/2007-Cdn. dated 23.04.2007 of Mr. L. C. Goyal, Joint Secretary, which indicates that Netaji's contribution to the freedom struggle of our country is immense and cannot be limited into few pages. It also narrates that Netaji is held in the highest esteem by the country and the Government and he is amongst the greatest statesmen of our country.

Now, under the provision 6 of the RTI Act, 2005. I want to have the following information:-

- (i) Which Ministry and Officials were responsible to direct the DAVP to not to release any advertisements, in print and electronic media, to spread the message of Netaji Subhas Bose on his birthday on 23.01.2007. Please provide the name of the Ministry and the officials responsible for this action.
- (ii) What were the reasons, on record, which became the cause for not releasing any advertisements for Netaji Subhas Bose on 23.01.2007 ?
- (iii) Does Government of India acknowledge Netaji Subhas Chandra Bose as the Commander-in-chief of INA ? If yes then what status has been assigned to Netaji in the hierarchy of the Indian Military establishment? If not, then what are the reasons?

(100000 Rupees)
I/c

381

85

- 11/2/07
- (iv) Does Government of India acknowledge the "**Provisional Government of Free India in exile**" formed by Netaji Subhas Chandra Bose ? If yes, then has Netaji Subhas Bose given the Head of the state status by the Government of India? If not then what are the reasons?
- (v) Is it an records of Government of India that Japan and Germany has acknowledged the "**Provisional Government of Free India**" formed by Netaji Subhas Chandra Bose?
- (vi) Is there any currency, available with the Government of India, of "**Provisional Government of Free India**" formed by Netaji Subhas Chandra Bose? May I get the photocopy of both sides of that currency ?
- (vii) How many statues of our great statesmen are erected in the premises of our Parliament and Parliament Annexe ? Please provide the names of those great statesmen and year of the erection of their statues.
- (viii) What are the parameters, available with Government of India, which determine the suitability of such installation of the statues in the precincts of our sacred Parliament ?
- (ix) Is there any plan, pending with Government of India, to install a statue of Netaji Subhas Chandra Bose in the precincts of the Parliament or Parliament Annexe?
- 2/3 culture
(x) Is there any plan, with the Government of India, to appoint a commission for getting the true position with regard to the contribution of Netaji Subhas Chandra Bose towards the freedom struggle of our country ? Because in the given scenario it seems that the Government is slightly ignorant with regard to the importance and relevance of Netaji towards our freedom struggle as well as the establishment of various economical and social projects in the developing stage of our country.

Thanking you

Yours faithfully,

Dev Ashish

(Dev Ashish Bhattacharya)
91-K, DIZ Area, Sector-IV,
B.K.S. Marg, New Delhi-01

Dated: 08/06/2007

(382) (86)

GOVERNMENT OF INDIA
DIRECTORATE OF ADVERTISING & VISUAL PUBLICITY
MINISTRY OF INFORMATION & BROADCASTING
PHASE IV, SOOCHANA BHAWAN, CGO COMPLEX, NEW DELHI
www.davp.nic.in

CPIO(SN)/RTI/DAB/07

Dated : 9th April, 07

To
Sh. Dev Ashish Bhattacharya,
91-K, Sector-IV, DIZ Area,
B.K.S. Marg,
New Delhi -110001

Sub: Request for information under the Right to information Act -reg.

Sir,

Kindly refer to your letter on publicity on Netaji Subash Chandra Bose under RTI Act submitted to the Ministry of Home Affairs on 2.4.07. The reply pertaining to DAVP is as under:

5) During the period from 1.4.06 to 26.3.07 DAVP has issued display advertisements to various newspapers worth Rs. 1,09,66,05,750/- and an amount of Rs. 100 crores (approx) was spent on electronic media. No advertisement was released by DAVP on 23rd January, 2007 to spread the message of Netaji Subhas Chandra Bose, however, Telecast of a video spot of 60 sec. was done free of cost by DD News.

Yours faithfully,

(Shalini Narayanan)
CPIO
Tele No. 24369540

By Speed ?

(383)

No. 12014/2/2007- Cdn.
Government of India
Ministry of Home Affairs

Lok Nayak Bhawan, Khan Market,
New Delhi-110003
Dated 20th April, 2007

To

Shri Dev Ashish Bhattacharya,
91-K, Sector IV, D.I.Z. Area,
B.K.S. Marg,
New Delhi- 110001

23 11 2007

Sub: Appeal against the letter dated 12.3.2007 issued by CPIO regarding information relating to Netaji Subhash Chandra Bose under RTI Act, 2005.

Sir,

This has reference to the appeal dated 21.3.2007 (received on 23.3.2007) filed by you against the reply given by Shri S.K. Malhotra Deputy Secretary, MHA and CPIO to your request dated 5.2.2007 seeking information on the relevance of Netaji Subhash Chandra Bose with regard to freedom of India.

2. With regard to the specific information sought by you, the position is as under :-

- (i) The whole country and the Government hold Netaji Subhash Chandra Bose in the highest esteem. He is among the greatest statesmen of our country who led and guided the freedom movement. The contribution of Netaji in the freedom struggle of our country is immense and it is not possible to reduce it into a few pages. However, a number of public records are available in the National Archives which is under the administrative control of the Ministry of Culture, depicting the remarkable and heroic role played by Netaji in the freedom movement. Besides, the National Archives also has a private collection including INA papers in its Private Archives Unit where papers of eminent persons, families and institutions received by way of gifts, donations or even purchase are kept. Various books on the significance of Netaji's role in the struggle for India's freedom are also available in the Indian Council of Historical Research (ICHR), an autonomous organisation of the Ministry of Human Resource Development. Access to these documents in these organisations can be made by contacting :
 - a) Shri K.K. Sharma, Asstt. Director of Archives (Records), National Archives of India, Janpath, New Delhi - 110 001 - Phone 2307 3007 or visit their website www.nationalarchives.nic.in
 - b) Dr. P.K. Shukla, Member Secretary, ICHR, 35, Feroz Shah Road, New Delhi - 110 001, Phone 2338 7877 or visit their website www.ichrindia.org.

In addition, as per available information in the Ministry, Pensions have been sanctioned to the members of INA founded by Netaji in recognition of their great contribution to the cause of freedom of the country.

- (ii) The life and legacy of Netaji will continue to inspire our countrymen and future generations. The statues and portraits of Netaji put in the Parliament and other official buildings are an indication of the desire to honour and perpetuate Netaji's memory. The legacy of Netaji and his great contribution in the freedom struggle of our country are an integral part of India's history and heritage.
- (iii) As per information obtained from the Ministry of Culture, the measures taken by the Government to celebrate Netaji's Birth Centenary Year included :-
 - a) A corpus grant of Rs. 3.00 crores was sanctioned on 26th March, 1997 to Netaji Research Bureau, Kolkata during the birth centenary year of Netaji.
 - b) A grant of Rs. 1.50 crores was sanctioned on 26th March, 2002 to Netaji Subhash Chandra Bose National Memorial Trust, Cuttack, for the development of the ancestral house of Netaji Subhash Chandra Bose.

In addition, the following events connected with Netaji have been proposed for inclusion in the Calendar of Events for the 150th Anniversary of First War of Independence, 1857 :-

	Event		Place
a)	Birth of Subhash Chandra Bose	January (23.01.1897)	Kolkata
b)	Subhash Bose's INA raises National Flag on Indian soil	March (19.3.1944)	Kohima
c)	INA Trial, Delhi	November (5.11.1945)	Delhi

3. In this connection, I may mention that the reply dated 12.03.2007 given by the CPIO to your request dated 5.2.2007 was based on the records available with him and that there was no wilful delay or neglect on his part in giving you a proper response under the RTI Act.

Yours faithfully,



(L.C. Goyal)

Joint Secretary to the Govt. of India

365 (89)

No. 16012/2/2007-Cdn.
Government of India
Ministry of Home Affairs
(Internal Security Division)

9th Floor, Lok Nayak Bhawan,
Khan Market, New Delhi- 110003
Dated 5th July, 2007

To

Shri Dev Ashish Bhattacharya,
91-K, DIZ Area, Sector-IV,
B.K.S. Marg, New Delhi- 110001

Sub: Information relating to role of Netaji Subhash Chandra Bose in the
"History of Freedom Movement".

Sir,

With reference to your second application dated 8.6.2007 under Right to Information Act, 2005, on the above mentioned subject, I am directed to invite your kind attention to our letter of even No. dated 5.6.2007 and to say that the information on "History of Freedom Movement" are primarily the concern of M/o Culture and National Archives. Accordingly your application dated 8.6.2007 has been forwarded to M/o Culture and National Archives to provide you the requisite information on the points concerning "History of Freedom Movement". As the application also includes some questions on audio-visual publicity, INA matters, installation of statues of statesmen in the premises of Parliament House/Annexe, a copy of application has also been forwarded to M/o Defence (History Division), MEA, DAVP and Lok Sabha secretariat, who may be concerned with questions on these aspects, with the request to provide requisite information on points concerning them.

Yours faithfully,

[Signature]

(S.K. Malhotra)
Deputy Secretary to the Govt. of India

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Copy alongwith a copy of application dated 8.6.2007 forwarded to the:

1. Ministry of Culture (Shri Sudesh Kumar, Deputy Secretary, M/o Culture), Shastri Bhawan, New Delhi.
2. National Archives (Shri K.K. Sharma, Asstt. Director of Archives (Records), Janpath, New Delhi
3. Ms. Shalini Narayan, Director, CPIO, DAVP, Suchana Bhawan, CGO Complex, New Delhi.
4. Mrs. R. Dhanedhar, Director, Ministry of Defence. History Division, Wing-1, West Block-8, R.K. Puram, New Delhi.
5. Joint Secretary, (Shri L.D. Ralte, Joint Secretary (CN&V), MEA, South Block, New Delhi.
6. Shri B.D. Swan, Director W&G(1) Branch, Lok Sabha Secretariat, Parliament House Annexe, New Delhi.

With request to provide information to the applicant on points concerning your Ministry/Department. Application fee of Rs.10/- has been received in MHA.

(S.K. Malhotra)
Deputy Secretary to the Govt. of India

Copy for information also to Shri S.K. Bhatnagar, Deputy Secretary, MHA.

(S.K. Malhotra)
Deputy Secretary to the Govt. of India

COURT CASE
MOST IMMEDIATE

No. 25/4/NGO – XVI
Ministry of External Affairs
CNV Division

03 ~~December~~
...November, 2007

OFFICE MEMORANDUM

Subject : Writ Petition No. 27541/2006 – Shri Ashim Kumar Ganguly
and another versus UOI and others.

The undersigned is directed to refer to Ministry of Home
Affairs letter No. I/12014/12/2007-Cdn dated October 12 2007 on the
subject above.

2. The comments of this Ministry with regard to paragraphs of
the Writ Petition pertaining to MEA are as under:

(a) **On the Questions of Law (Sr. Nos. 1 – 5)**

The petitioner's averment in paragraph 12 of the Writ Petition states
that without making any formal declaration of death of Netaji by GOI
the Government has no right to spend public money for the upkeep
and maintenance of Renkoji Temple and / or preserve the ashes
alleged to have been claimed of Netaji Subhas Bose. It may be noted
that GOI has the right to accept or reject the Report of the Mukherjee
Commission as it is only a recommendation. The non-acceptance of
the Report, therefore, would amount to maintaining status quo ante
with regard to the status of Netaji and the ashes.

(b) **Paragraphs 12 and 15**

This Ministry is not providing maintenance allowance or other
assistance to the Renkoji Temple, Japan.

(c) **Paragraph 14**

This Ministry has cooperated fully with the Commission in seeking
and arranging appointments for the members of the Commission
during their visits to various foreign destinations in Japan, Russia and
Taiwan, and in seeking and forwarding information to the
Commission available in its records and from foreign sources
identified by the Commission.

(d) **Paragraph 16**

This Ministry is not aware of any decision by Government to handover the ashes of Netaji to his daughter.

(e) **Paragraph 17**

Government has not discussed the matter with the Government of Japan including on the issue of return of ashes to India.

J. Shaw 03/12/02
(Debnath Shaw)

Joint Secretary (CNV)

Tel: 23011357

Shri S.K. Goswami
Under Secretary
Internal Security Division
Ministry of Home Affairs
Lok Nayak Bhawan
Khan Market, New Delhi

Sh
J. Shaw
8
4/12/02

No. 2731/N40/07
14/11

20

4077
Dy. No. /JS (CNV)/2007
Date ... 13/11/07

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COURT CASE
MOST IMMEDIATE
BY SPECIAL MESSENGER/SPEED POST

No. I/12014/12/2007-Cdn.

Government of India
Ministry of Home Affairs

Lok Nayak Bhavan, Khan Market,
New Delhi-3, dated November 12, 2007.

To
1. The Joint Secretary (CNV),
Ministry of External Affairs,
South Block, New Delhi.

2. The Director, Netaji Research Bureau,
39/2, Lala Lajpat Roy Road,
Kolkata-20.

Suh: Writ Petition No. 27541/2006 – Shri Ashim Kumar Ganguly
and another versus Union of India and others.

Sir,

I am directed to refer to this Ministry's letter of even number dated October 12, 2007 on the above subject and to say that copies of writ petition and supplementary affidavit in the above writ petition were sent for furnishing the comments, so as to enable this Ministry to prepare the parawise reply. As the same has not been received so far, this Ministry has not been able to take necessary action.

2. It is, therefore, requested to kindly send the comments as expeditiously as possible, so that further action can be taken at this end.

Yours faithfully,

S.K. Goswami
(S.K. Goswami)

Under Secretary to the Govt. of India
Tel. No. 2461 0466

Encl: As above.

Copy forwarded to Public Section, MHA, North Block, New Delhi, for similar action.

URGENT

I thought we had
referred. Pl
discuss with Jps.

D. M.
13/11/07

SO (N40)

Discussed. The file is
presently under submission
to JS (CNV).

SM MH
13/11/07

3644- JS(Cd) 107
(19) 12.10.07

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No- 2502/2140/07
16/X

COURT CASE
MOST IMMEDIATE
BY SPECIAL MESSENGER/SPEED POST

No. I/12014/12/2007-Cdn.
Government of India
Ministry of Home Affairs

Lok Nayak Bhavan, Khan Market,
New Delhi-3, dated October 12, 2007.

To

- ✓ 1. The Joint Secretary (CNV),
Ministry of External Affairs,
South Block, New Delhi.
2. The Director, Netaji Research Bureau,
39/2, Lala Lajpat Roy Road,
Kolkata-20.
3. The Secretary, Ministry of Defence,
South Block, New Delhi.

Suh: Writ Petition No. 27541/2006 – Shri Ashim Kumar Ganguly
and another versus Union of India and others.

Sir,

I am directed to enclosed herewith a copy each of original petition and supplementary affidavit in the matter with request to kindly send your comments on the paragraphs which concern your Ministry/Organisation. In case a reply has already been filed in the matter, a copy of the same may be forwarded..

This may kindly be treated as most immediate.

Yours faithfully,

S.K. Goswami

(S.K. Goswami)

Under Secretary to the Govt. of India

Encl: As above.

Pl examine
file. Question of
Law SE No 01. and 05
pertaining to NEA.

D. M.
12/10/07

SO(MH)
24.10.07
82 MH
12/10/07

(391)

DISTRICT: HOWRAH.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(APPELLATE SIDE)

W.P. No. 27541 (W) of 2006.

Subject matter relating to :-

"RESIDUARY"

"PUBLIC INTEREST LITIGATION"

Under Group - IX Head

of the Classification list:

:: CAUSE TITLE ::

SRI ASHIM KUMAR GANGULY AND ANOTHER PETITIONERS.

-VERSUS-

UNION OF INDIA AND OTHERS. RESPONDENTS.

ON-RECORD ::

SRI SUBHASH CHANDRA BASU,
Petitioner-in-person.

Address: 86, Sadar Boxi Lane,
Post Office, Police Station
and District - Howrah, Pin: 711101.

Phone : 2640-1217.

DISTRICT: HOWRAH.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(APPELLATE SIDE)

W.P. NO. 27541 (II) OF 2006.

SRI ASHIM KUMAR GANGULY AND ANOTHER PETITIONERS
-VERSUS-
UNION OF INDIA AND OTHERS RESPONDENTS.

!! I N D E X !!

<u>SL. NO.</u>	<u>PARTICULARS OF DOCUMENTS</u>	<u>ANNEXURE</u>	<u>PAGE</u>
01.	List of Dates	'A'	
02.	Question of Law involved	'B'	
03.	Writ Petition with Affidavit		01 - 38
04.	Xerox copies of the Mukherjee Commission Report on 'Netaji' collected from Walk-site.	<u>"P/1"</u>	39-41
05.	Xerox copy of the Notification dated 14.05.1999 issued under Memo No. 339(E) for appointment of Mukherjee Commission.	<u>"P/2"</u>	42-44
06.	Xerox copy of the representation dated 27.09.2006.	<u>"P/3"</u>	45-48
07.	Xerox copy of the News paper-cutting containing the news in question published in the Ananda-bazar Patrika dated 07.12.2006.	<u>"P/4"</u>	49

DISTRICT: HOWRAH.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(APPELLATE SIDE)

SRI ASHIM KUMAR GANGULY AND ANOTHER. ... PETITIONERS.
-VERSUS-
UNION OF INDIA AND OTHERS ... RESPONDENTS.

:: LIST OF DATES ::

<u>SL. NO.</u>	<u>DATE</u>	<u>E V E N T S.</u>
01.	18.08.1945	:: It was alleged that Netaji Subhas Chandra Bose died in Plane Crash in at Taihoku in Formosa.
02.	1956	:: Sha Nawaz Committee was constituted.
03.	1970	:: Khosla Commission was constituted.
04.	August, 1978	:: Prime Minister Morarji Desai cancelled the earlier Committee and Commission report on Netaji's alleged death.
05.	22.01.1992	:: Press communique announced as to conferment of award of Bharat Ratna posthumously posthumously on Netaji Subhas Chandra Bose.
06.	04.08.1997	:: Transfer Case (C) No. 7 of 1994 was decided. Press communique was cancelled by Supreme court
07.	07.04.1998	:: W.P. No. 1805 of 1997 was decided by the Hon'ble High Court, Calcutta.
08.	30.04.1998	:: W.P. No. 281 of 1998 was decided by the Hon'ble High Court, Calcutta.
09.	24.12.1998	:: West Bengal Legislative Assembly unanimously adopted the Motion for setting up Commission on the Netaji's death.
10.	1999	:: Commission of was constituted. Hon'ble Justice Manoj Kumar Mukherjee was appointed as the Chairman of the said Commission.
11.	08.11.2005	:: Mukherjee Commission Report was submitted to the Government of India.
12.	17.05.2006	:: Report of the Mukherjee Commission was tabled in the Parliament and was rejected by the Govt
13.	27.09.2006	:: Petitioner sent representations to the concerned authority.
14.	07.12.2006	:: Report published in the Anandabazar Patrika stating that the Govt. would continue to bear the expenses of Renkoji Temple and so-called ashes ashes of Netaji Subhas Chandra Bose.

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DISTRICT: HOWRAH.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION.
(APPELLATE SIDE)

W.P. NO. 27591 (W) OF 2006.

SRI ASHIM KUMAR GANGULY AND ANOTHER PETITIONERS.
-VERSUS-
UNION OF INDIA AND OTHERS RESPONDENTS.

QUESTION OF LAW INVOLVED,

SL.
NO.

QUESTION OF LAWS INVOLVED

01. Whether the Government of India can incur any amount from public exchequer for maintenance of and upkeeping the Renkoji Temple in Japan allegedly keeping the ashes of Netaji Subhash Chandra Bose after filing/submitting the Mukherjee Commission report on 'Netaji' ?
02. Whether the Government of India after appointing the Mukherjee Commission could accept or uphold the earlier Committee/Commission reports and could reject the present Mukherjee Commission report without showing any reason ?
03. Whether the Government of India without any rhyme or reason could withhold the Mukherjee Commission report as ~~is~~ ~~is~~ and could remain silent for a long period as to placing the same before the Parliament for open debate or discussion amongst the members of the Parliament ?
04. Whether the Government of India could incur any amount from public exchequer for alleged death of Netaji on 18.08.1945 after submission of Mukherjee Commission report ?
05. Whether it is the ~~an~~ duty of the Government of India to stop all expenses for Renkoji Temple in Japan and for alleged ashes of 'Netaji' kept in the said Temple ?

DISTRICT : HOWRAH.

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
(Appellate side)
—

W.P.No. 27541 (W) OF 2006.

In the matter of :

An application under Article 226 of
the Constitution of India.

-And-

In the matter of :

A writ and/or writs in the nature of
Mandamus ;

-And-

In the matter of :

/ A writ and/or writs in the nature of
Mandamus ;

-And-

In the matter of :

A writ and/or writs in the nature of
Prohibition ;

1- 2 -1

-And-

In the matter of :

A writ and/or writs in the nature of
Certiorari ;

-And-

In the matter of :

Any other writ or writs, order or Orders,
direction or directions ;

-And-

In the matter of :

The Right to Information Act, 2005 ;

-And-

In the matter of :

The Commission of Inquiry Act, 1952 and
Rules framed thereunder ;

-And-

In the matter of :

The Public Records Act, 1993 ;

-And-

In the matter of :

Violation of the provisions of Article

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1- 3 -1

14,19 (1)(a), 51A(b) and 21 of the
Constitution of India.

-And-

In the matter of :

Apathetic attitude of the concerned
authorities in considering the
representation dated 27.09.2006 ;

-And-

In the matter of :

Illegal and arbitrary decision of the
concerned Respondents for continuous
wasteful expenditure of public Money
from the Government Exchequer for
maintenance of so-called alleged ashes
of Netaji Subhas Chandra Bose kept in
the Kenkoji Temple in Tokyo, Japan ;

-And-

In the matter of :

Non-acceptance of report of Justice
Mukherjee Commission constituted to
find out the clue of alleged death of
Netaji Subhas Chandra Bose allegedly
took place in Plane Crash on 13.3.1945.

1-4-1

And

In the matter of :

Arbitrary and whimsical decision of
withholding the Mukherjee Commission's
Report and not placing the same before
the members of Parliament for open
debate or discussion ;

And

In the matter of :

Deliberate and wilful contravention
of the provisions for maintenance of
Public Records by the concerned
Government and gross dereliction of
duties and serious consequences of
damage and/or destruction of the same

And

In the matter of :

1. SRI ASHIM KUMAR GANGULY,
son of late Netai Chandra Ganguly,
residing at 90, A. K. Mukherjee Road,
3rd. floor, Police Station Baranagar,
Kolkata-700 090.

1- 5 -1

2. SRI SUBHASH CHANDRA BASU

son of late Surendra Nath Basu,

residing at 36, Sedar Boxi Lane,

Police Station and District, Howrah.

Pin Code No.- 711 101 ;

....

... PETITIONERS.

-Versus-

1. Union of India,

service through the secretary,
Ministry of Home Affairs, (North Block)
Government of India, New Delhi.

2. Principal Secretary,

office of the Prime Minister,

Government of India, 7, Race Course
Road, New Delhi

3. Secretary,

Ministry of Foreign Affairs,
Government of India, New Delhi.

4. Secretary,

Ministry of Parliamentary Affairs,
Government of India, New Delhi.

1- 6 -1

5. Director,

Netaji Research Bureau,
/ 38/2, Lala Laspal Roy Road,
Bagin Road, Kolkata. - 20,

...

... RESPONDENTS.

To

The Hon'ble Vikas Shridhar Sirpurkar, Chief Justice and His
Companion Justices of the said Hon'ble Court.

The humble petition of the above
named petitioners

Most Respectfully Sheweth :-

1. That the petitioners are the peace-loving and public
spirited citizens of India having their permanent address
mentioned in the Cause Title hereinabove.
2. That the petitioner no.1 is the learned Advocate of
this Hon'ble court and he is involved in various social and
philanthropic activities and earlier he came forward on
several occasions to espouse or ventilate the grievances of
the hapless people before this Hon'ble Court and at the
instance of the petitioner No.1 a large numbers of political
and social victims were saved, rehabilitated and heaved a

sign of solace and as a citizen of this Country he further painfully observed the apathetic attitude of the Government of India towards the World's Famous Hero like Netaji Subhas Chandra Bose and of his own volition and/or accord spontaneously challenged the indifferent and derogatory attitude of the Government of India towards " Netaji " by filing the writ petition being W.P.No. 1305 (w) of 1997, decided on 07.04.1998, which was the initiation for constituting the Commission of Inquiry on the mysterious disappearance of Netaji Subhas Chandra Bose (hereinafter referred to as " Netaji").

So as to the petitioner No.2 is concerned, he is also the learned Advocate of this Hon'ble court and the office Secretary of Howrah Canatantrik Nagarik Samity, a non-party Citizen Forum, which is the sentinel of the City of Howrah and there was/is hardly any major public issue which was not attended by the said samity and a large number of public Interest Litigations viz. on Calcutta Maidan,

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Victoria Memorial, Police Morgue, Rabindra Sarobar, Botanical Garden, Shibpur, Howrah Bridge and Calcutta Traffic Managements etc. were filed by the petitioner no. 2 with others petitioners before this Hon'ble Court and as a result many Civic authorities were compelled to discharge their statutory duties and public goods were done and further he was one of the petitioners before the Hon'ble ^{Supreme} Court of India regarding some Civic problem of the City of Howrah and based on which and by the order dated 16.4.1996 passed in Writ petition (C) No. 330 of 1995, this / Environmental Bench was constituted, which is popularly known as " Green Bench".

3. That the emergence of Netaji Subhas Chandra Bose in the history of struggle for Independence was epoch-making and the role of Netaji and his contribution and gallant Deeds for liberation of Indian Independence and his great Ideals are honoured from the core of the hearts and if any

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person is blessed to be born in any part of the Indo-Pak sub-Continent, unhesitatingly he should bow down his head before Netaji for his high ideals and contribution who had shakened the British Imperialism and tried to hasten the Indian Independence and brought the same to our threshold and by arms revolution with the help of Azad-Hind-Fouz he brought the blue firmament and new harizon of Independence for us well in advance. Such or great role of the great son of India, who had insurmountable personality, sky-kissing popularity and inbuild quality of high ideals, was never assessed and/or properly honoured by the Government of India and always inclined to show an indifferent attitude towards "Netaji", the great National "Hero" of our country and when the whole Nation was about to go on total oblivion as to our national hero, heritage and the noble ideals which inspired our national struggle for freedom due to motivation a writ petition being W.P.No. 1805 (w) of 1997 was filed by the petitioner No.1, which was decided on 07.04.1998 challenging on the question of death of Netaji allegedly on 18.08.1945 in Plane Crash and his alleged ashes kept

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in the Renkoji Temple, Japan and thereafter a further writ petition being W.P.No. 231 of 1998 which was decided on 30.04.1999 and reported in AIR 1999 Cal-9, was filed in this Hon'ble Court challenging the attitude of the Government of India towards "Netaji", inter alia with the following prayers :-

- i) To classify and disclose all documents relating to Netaji Subhash Chandra Bose including the Indian National Army;
 - ii) To make a categorical statement whether the name of Netaji was still in the list of War criminals drawn up after the Second World War and issue a press communique to the said effect ;
 - iii) Not to allow any agency or publish or any person to publish the story of the death of Netaji Subhas Chandra Bose in the alleged plane crash on 18.08.1945 ;
 - iv) To disclose the stand of the Government of India regarding Netaji Subhas Chandra Bose if he is found on Indian soil. Whether Government of India will welcome him or hand-over him to the allied forces for trial as war Criminal and make a press communique to that effect "
- and

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v) To produce and/or transmit all the records, files and documents as mentioned in Annexure "F" to the petition about disappearance of Netaji Subhas Chandra Bose since August 18, 1945 and subsequent thereto ;

The aforesaid writ petition being W.P.No. 231 of 1998 was disposed of on 30.4.1998 inter alia, ^{with} on the following orders :-

1. Respondent shall launch a vigorous enquiry in accordance with law by appointing, if necessary, a Commission of Inquiry as a special case for the purpose of giving an end to the controversy ;

- a) Whether Netaji Subhas Chandra Bose is dead or alive ;
- b) If he is dead, whether he died in the Plane Crash, as alleged ;
- c) Whether the ashes in the Japanese Temple are ashes of Netaji ;
- d) If he is alive, in respect of his whereabouts ;

2. The Respondent shall follow for the said purpose the direction of this court given in W.P.No.1305 of 1997, namely to take the people of India in confidence ;

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3. Respondents shall at appropriate level examine/scrutinise all publication pertaining to the matter as above and proscribe, if necessary, all such publications which appear to touch the question of death or otherwise of Netaji if the same has the effect of disturbing the public order and causing incitement of violence ;

4. Respondents, if so advised, shall inform all publication house to take its prior permission before any publication on the subject above is made and before granting such permission scrutinise in the manner as indicated above ;

4. That the said writ petition being W.P.No. 231 of 1998 was heard by the Hon'ble Division Bench (Public Interest Litigation BENCH) on 30.04.1998 (~~and the said Hon'ble Bench~~ ~~constituted~~) and the said Hon'ble Bench was pleased to, inter alia, pass the orders as stated hereinabove and thereafter the West Bengal Legislative Assembly, unanimously adopted a Motion on 24.12.1998 for setting up a Commission of Inquiry

and the Chief Justice of the Hon'ble Supreme Court of India thereafter had given the names of the Chairman of the said Commission and the Hon'ble Justice Manoj Kumar Mukherjee (Retired) of the Hon'ble Supreme Court of India was, thus, appointed as the said Chairman and finally the Commission of Inquiry was constituted in the year 1999.

5. That it may not be out of place to mention here that before setting up and/or constituted the said Commission of Inquiry the Government of India made an attempt to confer posthumous Bharatratna Award to Netaji and further the then Defence Minister took the initiative to bring the alleged ashes of Netaji Subhas Chandra Bose to our Country allegedly kept in the Renkoji Temple, Japan and on that issue a Writ petition being C.O.No. 6720 of 1993 (Union of India -vs- Bijan Chosh) was also filed by the learned Advocate in this Hon'ble Court and the same was, afterwards, transferred to the Hon'ble Supreme Court of India and Transfer case being Transfer Case (C) No.7 of 1994 which was decided on 04.08.1997 and was reported in AIR 1997 SC-3019 wherein the Government of India was compelled to retreat and abandon the long

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cherished illusory decision and, hence, there was no necessity to proceed further with the writ petition and was disposed of accordingly with the declaration that the press communique on 22.01.1992 announcing conferment of award of Bharat Ratna Posthumously on Netaji should stand cancel .

6. That after setting up of Commission of Inquiry under the Chairmanship of Hon'ble Justice Manoj Kumar Mukherjee (Retired) (hereinafter referred to as " Mukherjee Commission") proceeded sincerely to find out the clue of mysterious disappearance of Netaji Subhas Chandra Bose and/or to unearth whether Netaji died in alleged plane crash that took place at Taihoku (Now Taipei) in Taiwan (formerly Formosa) on 13.03.1945 and also to find out whether the alleged ashes kept in the Renkoji Temple in Tokyo, Japan is that of Netaji Subhas Chandra Bose or not. The all sections of people of the Country welcomes this Commission of Inquiry since it was the fervent aspiration for a long time and it was the people's believe that this Commission of Inquiry would be able to bring the people of

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of India in confidence and to unearth the real truth which was kept deliberately hidden for a long time for some unknown reason and/or for vested political vendetta or motivation.

7. That said Mukherjee Commission (hereinafter referred to as the said "Commission") has examined 131 nos. of witnesses and had gone through and/or perused 303 nos. of documents as " Exhibits" and further visited all possible places for the purpose of the said Commission to find out whether there was/is any clue of possible death of Netaji alleged to have claimed or took place and also took other help of investigations to come to the conclusion as per terms of reference, *seriatim* is as follows :-

- a) Netaji Subhas Chandra is dead ;
- b) He did not die in plane crash as alleged ;
- c) The ashes in the Japanese temple are not of Netaji;
- d) In absence of any clinching evidence a positive answer cannot be given ; and
- e) Answer already given in (a) above ;

As regards the Ancillary query (vide paragraph 3 of the notification) the Commission is of the view consequent

/ upon its above findings - that is undertaking the scrutiny of publications touching upon the question of death or otherwise of Netaji, the Central Government can proceed on the basis that he is dead but did not die in the plane crash, as alleged.

7. That the report of the Mukherjee Commission was submitted by the Hon'ble Justice Manoj Kumar Mukherjee on 08.11.2005 to the Government of India, and the Commission report was tabled in the Parliament of India on 17.05.2006 when the Government of India in the "Action Taken Report" (ATR) has expressed their view and/or stand that the Government of India has rejected the findings of the Commission, saying that it did not agree with the findings. Such rejection was without showing any reason and further upheld the earlier two reports - the Sha Nawaz Inquiry Committee held in 1956 and Khosla Commission held in 1970 but the same were declined to accept by the former Prime Minister Morarji Desai, in August, 1978 while sitting in the floor in the Parliament and he cancelled the same unhesitatingly.

The xerox copied of the Mukherjee Commission Report on 'Netaji' collected from web-site are enclosed herewith and marked as Annexure - P/1.

8. That since the Mukherjee Commission was set up or constituted through the Judicial intervention and since the

contd....

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name of the Chairman was given by the Chief Justice of the Hon'ble Supreme Court of India and thus, was appointed the sanctity, realibility and oredence are obviously claimed to be much more than that of earlier Inquiry Committee led by Sha Nawaz and Khosla Commission led by D.S.Khosla in this regard. The said report was filed by the Mukherjee Commission absolutely based on available evidence and it has reflected a

completely light and clear vision in the matter of alleged

death of Netaji Subhas Chandra Bose and thus, the people are agreed to accept the said report with due respect from the core of their hearts. It is further stated that the

earlier two, Committee and Commission, were constituted by the Government of India of their own accord on which the

Government of India had the control and supervision in all

respect for which the same had lost the confidence or credence of the people at large. Furthermore, the earlier two, Committee and Commission, had never visited any possible place of death allegedly claimed to have taken place on

18.03.1945 at Taihoku in Taiwan. Furthermore, Colonel

Habibur Rahman appeared before the Shaukzad Committee,

when he did not face any cross-examination, but he did not appear before the Khosla Commission in order to avoid cross-examination and even the Government of India made no arrangement or attempt to ensure his presence before the said Khosla Commission as a result the entire purpose for such Committee and Commission were frustrated and/or miserably failed. In spite of such glaring defects, the ~~xxx~~ earlier two Committee and Commission were honoured and was inclined to accept by the Government of India and in reality the Government of India has accepted the same and still the Government of India stick to their earlier stand and thus, the Government is not inclining to accept the report submitted by Mukherjee Commission. X

10. That thereafter much water have been allowed to flow over the river Ganges but the Government of India has not come forward or tried to put the matter for a permanent end and for some political motivation they want to clutch the earlier Committee and Commission report and they are not leaving their inclination as yet for the same which has

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culminated this present writ petition challenging their indomitable purportive stand taken in this regard but they are not placing the Mukherjee Commission report for open debate before the members of Parliament and the reason best known to them. Be it stated here that the Government of India never has shown any interest in this matter and had there been any interest to bring in public confidence in this regard, it was their solemn duty for this National Hero to place the matter for open debate and should not retreat in this way of patronising the old cherish concept in disguise.

16. That it is further stated that if it was the firm indomitable insurmountable stand with regard to death of Netaji, the Government of India could have challenged the ^{into Constituting Commission of Inquiry} matter, further before the Hon'ble Supreme Court of India and they could have expressed their negative view for constituting and spending public money for the further Commission on the death of Netaji. It is really curious enough that the Government of India, Ministry of Home Affairs vide Notification, New Delhi, the 14.5.1999, Memo No. S.O. 339(E) has appointed a Commission of Inquiry

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of Mr. Justice M. K. Mukherjee, a retired Judge of the Supreme Court of India and when for the Commission a lot of money was spent from the public exchequer to put an permanent end to the matter and when after a long endeavour and/or effort and after completion of a mammoth ^{strenuous} ~~straining~~ works, the Commission had ^{completed the investigation and} submitted the report and brought in the confidence of the public, the Government of India rose to the occasion to clutch their earlier stand and the Government of India (hereinafter referred to as the "said Government") has not accepted report of Mukherjee Commission and uphold their earlier view or stand in this regard. It is further stated that after spending public money from public exchequer for this present Commission and after submission of report, there must be public accountability for upholding the earlier two reports or stand by the Government in this regard. Moreover, the Government could have clear their stand that even after third Commission, i.e. Mukherjee Commission they would never change their earlier stand taken by the Government India with political motivation and/or some other purpose.

The xerox copy of the said Notification dated 14.05.1999 issued under Memo No. 339(E) is enclosed herewith and marked P-2 as Annexure P-2.

12. That being the position the Government of India should come forward with a formal declaration of death of Netaji Subhas Chandra Bose, otherwise, the Government has ^{got} no right to spend the public money from the public exchequer for upkeep^{ing} and maintenance of the ^{Renkoji} Temple in Taihoku, Japan and/or to preserve and reserve the ashes alleged to have been claimed of Netaji Subhas Chandra Bose and in the event if such formal declaration is not forthcoming, the Government of India should forthwith stop all expenditures in respect of alleged death of Netaji Subhas Chandra Bose and if there be any other expenditure for research works or death on Netaji Subhas Chandra Bose from the public exchequer, it is also required to be stopped with immediate effect for public interest inasmuch as the country like ours where more than 50% people live under poverty line, never support such wasteful expenditure of public money from public exchequer for unnecessary purpose with political motivation. Furthermore,

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if there be any institute for continuous research on Netaji's death holding firmly the date of death is on 18.08.1945 in plane crash in Taihoku, in Japan such Institute after submission of Mukherjee Commission's Report before the Government of India, required to be interred with or derecognised for all purpose for the interest of the people at large, otherwise, the under-current will ^{to flow,} be continued, which would result in the slur and/or disregard to the prestige, dignity and the status of the National Hero Netaji Subhas Chandra Bose and also public commotion, resentment, rurore throughout the breadth and length of the country could not be put to an end, which was not the object of this Commission.

13. That the conducts of the Government as stated herein above, are incredible and some vested interest the people who are still inclined to hold the earlier decision as sacrosant or authentic but without any basis causing thereby direct slur or disregard to the National Hero, who had intentional importance in all respect and their only purpose is to lower down the prestige, dignity and high ideals of Netaji Subhas Chandra Bose which

the people still possess the untarnished and unshaken faith in their core of the hearts inasmuch as the people have enthroned their beloved National leader in the minds and the people do not want any sort of slur or disregard to the Hero by the Countrymen or by the Government or by any Institution.

14. That it is further stated that it was revealed that the Government of India neither extended full co-operation in matter of despatching the documents or records relating to the enquiry on alleged death of Netaji in Plane Crash on 18.3.1945 nor the said Government obeyed or followed the provision of the Public Records Act, 1993 and utterly violated the prescribed procedure for keeping public record and brushed aside the liability and accountability for the maintenance of the public records like Netaji Subhas Chandra Bose by merely filing an affidavit in this regard before the Mukherjee Commission. No explanation was given regarding cause of destruction and by whose order the said sensitive file was destroyed, and when it was destroyed and why the master file was not preserved and why the only file of Netaji Subhas Chandra Bose was destroyed etc. and the Government mysteriously and deliberately silent for political motivation. Therefore, it is clearly evident that the

Government has acted absolutely against the public interest and/or public good for which the concerned officials of the said Department are required to be suitably dealt with in accordance with law for gross negligent and dereliction of duty. It is, in fact, a contemptuous conduct and/or treacherous activities with the people at large as well as the Nation.

15 That it is further stated that the Right to Information Act, 2005 in conjunction with Fundamental right enshrined under Article 19(1)(a) of the Constitution of India have strengthened the rights to information from the Government and/or public bodies by virtue of provisions of the said statute and thus, the petitioners are entitled to know whether the Government had/has stopped the said wasteful expenditure for Renkeji Temple in Japan with regard to alleged death of Netaji and further wanted to know whether the Government has decided to place the said report of Mukharjee Commission for open debate before the members of the Parliament. The petitioners though sent the representation dated 27.9.2006 in detail to the concerned respondents seeking immediate stopping of said wasteful expenditure and to place the said

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report of Mukherjee Commission for open debate before the members of the Parliament. The petitioners though sent the representation dated 27.09.2005 in detail to the concerned Respondents seeking immediate stopping of said wasteful expenditure and to place the said report before the members of the Parliament but till date no reply is discernible from any corner or end,

The Xerox copy of the said representation dated 27.

23: as Annexure P-3.

15. That it is further stated that Netaji Subhas Chandra Bose, the National Hero of our country having international ^{from or} importance and/or recognition is neither confined to only "Bose Family" nor is confined to any "Geographical Limit" nor could be claimed as personal property, rather Netaji is claimed to be the beloved leader and brave son of mother India and is concerned for the all and sundry of the Nation. Therefore, any personal claim from any corner / to Netaji Subhas Chandra Bose ^{is required to} be unhesitatingly ignored or overlooked for the interest of the Nation. Now the prestige, dignity and status of Netaji are the concerned

/ for all the citizens of India and thus, the Respondent no.5 cannot claim absolute rights to continue such purportive research works, which is denegrating or lowering down the prestige, dignity and honour of the world famous national hero Netaji Subhas Chandra Bose. Therefore, as citizens of India the petitioners alongwith others raise the voice of protest to the said ^{conniving} conductive act or activities.

1/ That it is further stated that the Government of India at the present wants to hand over the alleged ashes of Netaji Subhas Chandra Bose kept in the Renjoji Temple in Japan for about 60 years to Ms. Anita Das, daughter of Netaji and further desire to settle the disputes in this way and the Government of Japan was also persistently
/ pressurising the Government of India as alleged for which the apparent solution to be taken and unless and until the said alleged ashes is handed over, the Government would bear the maintenance cost of the said temple. The said News was published in the Anandabazar Patrika dated
/ 07.12.2006 wherein it was also inter alia firstly contended
-d that the Government of India would bear the major part

of the maintenance and other related expenditure and in this regard the Japan Government would be assured very shortly and further necessary money would be given to ^{which is} Trust, under the main priest of Renjoji Temple and secondly it was contended that the permission would be given to hand over the said alleged ashes to Ms. Anita Pap if she wants to take the same.

The Xerox copy of the News paper cutting containing the said news published in the Anandabazar Patrika dated 07.12.2006 is annexed herewith and marked with the letter

P-4.

P-4.

18. That the petitioners apprehend that the Government of India due to pressure given by the Government of Japan to take back the alleged ashes kept in Renkuji Temple at Japan has decided to bring back the said alleged ashes to India and full preparation for bringing and staking the same ^{be taken} in India, very shortly. ^{Hence,} ^{is urgently required} an interim order, to restrain the authorities of Government of India from accepting the said alleged ashes and staking the same till the disposal or the instant writ application.

19. That being aggrieved by and dissatisfied with the apathetic, deliberate and wilful attitude of the

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Government of India towards Netaji Subhas Chandra Bose and for incurring huge amount of public money from the Government Exchequer for preserving and reserving the so-called ashes of Netaji allegedly kept in the Renjoji Temple in Japan and also for not placing the report submitted on 03.11.2005 by Mukherjee Commission for open debate or discussion before the members of the Parliament, beg to move this instant application on the following amongst other

G R O U N D S :-

- I. FOR THAT the Respondents acted illegally, arbitrarily, discriminatorily and whimsically inclining to incur huge amount of public money from the Government Exchequer for the maintenance of Renjoji Temple in Japan to keep the alleged ashes of Netaji Subhas Chandra Bose who allegedly died on 13.03.1945;
- II. FOR THAT the Respondent concerned when inclined to uphold the earlier two Committee and Commission reports in this regard, further notification of Commission or Inquiry for the / same reason was uncalled for and to camouflage the

People with a view to
Neutralise the public commotion;

III. FOR THAT the Respondents concerned ought to have given much more weightage or importance on Mukherjee Commission since the said Commission was constituted by the order of the Hon'ble High Court, Calcutta passed on 30.04.1998 in W.P.No. 231 of 1998 and the name of the Chairman of Commission of Inquiry was given by the Chief Justice of the Hon'ble Supreme Court of India and the Commission was constituted accordingly, whereas the other two Committee and Commission were not constituted by the judicial intervention, however, the Government of India did not accept report submitted by the Mukherjee Commission and without assigning any reason the same was cancelled / rejected;

IV. FOR THAT the concerned Respondent is arbitrarily and illegally spending public money from the Government Exchequer for patronising or encouraging the research works on the alleged death of Netaji Subhas Chandra Bose claiming to have taken

place on 18.03.1945 as such the said expenditure for
~~Constitution~~^{continuation} of research work incurred for the
Respondent no.5 in the name of Netaji Research
Bureau be stopped forthwith ;

V. FOR THAT since the Government money is the public
money, there should be an accountability before the
citizens of India with regard to any such expenditure
with political motivation on the Netaji Subhas
Chandra Bose, which is against the public interest
or public policy or public good ;

VI. FOR THAT without any formal declaration of death of
Netaji any attempt to spend further amount for
maintenance of Renjoji Temple in Japan allegedly
keeping the ashes of Netaji and after submission of
report of Mukherjee Commission, is absolutely
derogatory and vile conduct on the part of the
Government as such the said conduct is depreciatory
and disparaging too ;

VII. FOR THAT the Respondent concerned ought to have placed the Commission Report submitted by the Hon'ble Justice Menoj Kumar Mukherjee (Retired) on 03.11.2005 before the members of the Parliament for open debate or discussion, otherwise it would carry a wrong message to the public and for the reason of withholding the said report for open debate, reliance or credence of the public upon the Government of democratic set up would be declined to a great extent ;

VIII. FOR THAT the citizen has the right to know how much amount of public money was incurred till date to preserve and reserve and/or for the purpose of the maintenance of the Renjoji Temple allegedly keeping the ashes of Netaji Subhas Chandra Bose due to alleged death of Netaji on 13.03.1945 and such right has been strengthened for enactment of right to Information Act, 2005 and thus, as the citizen of India the petitioners are entitled to know such quantum of said wasteful expenditure for Netaji's ~~ashes~~ alleged ashes;

IX. FOR THAT in any view of the above matter the conduct of the Respondent concerned are not above board in all respects ^{as} ~~more~~ greater public interest is involved and , thus, bed in law and liable to be interfered with by this Hon'ble court.

20. That since our Government is democratic Government, in that view a duty has cast upon the Government to honour the public sentiment relating to the said National issue and all the citizens are concerned for the same and in such a situation the Government is required to unhesitatingly unveil their stand on the National Hero Netaji to put a permanent end of the said National issue, which was the only and/or sole object of the Mukherjee Commission.

20. That it is further stated that no other writ petition was filed by the petitioners on the self-same cause or action in this Hon'ble court or anywhere.

21. That the records are located in the ordinary original civil Jurisdiction of this Hon'ble court and direction may be given to the Respondents concerned to produce all relevant records relating to mysterious death of Netaji Subhas

Chandra Bose and previous enquiry reports in this regard including the representation and notification as stated hereinabove at the time of hearing of this writ petition.

23. That there is no other alternative suitable
/ efficacious legal remedy open to your petitioners to seek
/ ~~remedy~~ save and except filing the writ petition for remedy
/ and, if any relief be given, the same to be adequate and
complete relieves.

24. That the application is made on good faith and to
secure the ends of justice.

Under the above facts and circumstances
it is prayed that your Lordships may be
graciously pleased to issue :-

a) A writ and/or writs in the nature of
Mandamus commanding the Respondents,
their men, agents, sub-ordinates,
superiors, successors-in-office to
restrain from incurring further public
money from Government Exchequer for
maintenance and upkeep of the Henkoji

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Temple in Japan allegedly keeping the ashes as that of Netaji Subhas Chandra Bose who allegedly died on 18.08.1945 forthwith ;

b) A writ and/or writs in the nature of Mandamus commanding the Respondents concerned, their men, sub-ordinates, superiors, successors-in-office to place the Commission report submitted by the Hon'ble Justice Manoj Kumar Mukherjee (Retired) on 08.11.2005 before the Members of Parliament for open debate or discussion immediately;

c) A writ and/or writs in the nature of Mandamus directing the Respondents concerned refrain from incurring any amount for the Respondent No.5 from public Exchequer to continue research work on any issue pertaining to Netaji including the alleged death of Netaji Subhas Chandra Bose ;

d) A writ or and/or writs in the nature of Certiorari directing the Respondent concerned to transmit and certify all relevant records relating to Enquiry on the alleged death of Netaji on 13.08.1945 allegedly took place in Plane Crash in Taihoku, Japan including the representations being Annexure - "P/3" and the notification being the Annexure - "P/2" at the time of hearing of the writ petition and so as to render the conscientious justice after perusing the same ;

e) A writ and/or writs in the nature of Prohibition forbidding the Respondents nos. 1 to 4 from incurring any amount of public money from public Exchequer for preservation and reservation and/or maintenance of Renkoji Temple, Japan allegedly keeping the ashes of Netaji

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allegedly died on 13.08.1945 till the disposal of this writ petition ;

f) Rule Nisi in terms of prayers (a), (b), (c), (d) and (e) as aforesaid ;

g) An ad-interim order restraining the concerned Respondent from taking any step or steps to accept and/or bring or staking the alleged ashes kept in the Renkoji Temple at Japan till the disposal till the disposal of the instant application

h) Any other or further writ or writs, order or orders, direction or directions as your Lordships may deem fit and proper.

And your petitioners, as in duty bound shall ever pray.

AFFIDAVIT

I, Ashim Kumar Ganguly, Son of Late Netai Chandra Ganguly, aged about 45 years, by religion Hindu, by profession - lawyer, residing at 90, A. K. Mukherjee Road, 3rd Floor, Police Station Baranagar, Kolkata - 700090, do hereby solemnly affirm and declare as follows:-

1. That I am the petitioner No. 1 of this instant Writ petition as such conversant with the facts and circumstances of the case.

2. That the statements made in Paragraph No. 1, 2, 3 (Part), 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 are true to my knowledge and the statements made in Paragraph No. 1, 2, 3 (Part), 4, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 are true to my information derived from the relevant records which I verily believe to be true and rest are my humble submission before this Hon'ble Court.

Sd/- Ashim Kumar Ganguly,

Prepared by me in my office. The deponent is known to me.

Sd/- Ashim Kumar Ganguly, Atolus Salam,

Petitioner-in-person. Clerk to Mr.

Advocate,

Solemnly affirm before me

this 15th day of December, 2006.

COMMISSIONER OF OATH.

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11 A F F I D A V I T 11

I, Subhash Chandra Basu, Son of Late Surendra Nath Basu, aged about 41 years, by religion Hindu, by profession - lawyer, residing at 86, Sadar Boxi Lane, Post and Police Station, and District - Howrah, Pin code : 711101, do hereby solemnly affirm and declare as follows:-

1. That I am the petitioner No. 2 of this instant Writ petition as such conversant with the facts and circumstances of the case.

2. That the statements made in Paragraph No. 1, 2, 3 (part), 5, 6, 7, 8, are true to my knowledge and the statements made in Paragraph No. 1, 3 (part), 4, 18 are true to my information derieved from the relevant records which I m verily believe to be true and rest are my humble submission before this Hon'ble Court.

Subhash Chandra Basu

Prepared in my me in my Office. The deponent is known to me.
Subhash Chandra Basu Clerk to Mr. A. Banerjee.
 Petitioner-in-person. Advocate.

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Solemnly affirmed before me
 this 15th day of December, 2006.

COMMISSIONER OF OATH.

Mukherjee Commission

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The **Mukherjee Commission** refers to the one-man board of Mr. Justice Manoj Mukherjee , a retired judge of the Supreme Court of India which was instituted in 1999 to enquire into the controversy surrounding the reported death of Subhas Chandra Bose in 1945.

On April 30, 1998 that the High Court of Calcutta gave orders to the then BJP-led Government to "launch a vigorous inquiry as a special case for the purpose of giving an end to the controversy".^[1]

The purpose of the commission was the ascertain the following:

1. Whether Netaji Subhas Chandra Bose is dead or alive;
2. If he is dead whether he died in the plane crash, as alleged;
3. Whether the ashes in the Japanese temple are ashes of Netaji;
4. Whether he has died in any other manner at any other place and, if so, when and how;
5. If he is alive, in respect of his whereabouts.

The commission is also the first to probe into the much publicized Soviet-connection. The basics of which are that Netaji Subhas Chandra Bose did indeed survive the end of the Second World War, and detained in a Siberian camp in the late 1940's. A former Russian General swore under oath to the commission that he had seen a true Soviet-cabinet paper detailing and discussing a "living" Subhas Chandra Bose, one year after his supposed death.

Many, however, feel that with a new Congress controlled government now in power, the commission's results may be undermined. Many conspiracies abound, and many contain specific details that are damaging to the Congress Party and Indian Prime Minister Jawaharlal Nehru.

Three researchers who helped find the declassified documents in the military archives of Paddolsk, Russia, Purabi Ray, Hari Vasudevan and Shobanlal Dutta Gupta, have also reported threats from unidentified persons upon their lives, if they did not stop their research. Many files and documents by the Union Home Ministry have been deemed a risk to national security and under Sections 123 and 124 of the Evidence Act and Article 74(2) of the Constitution of India, have not been disclosed to the commission.

The Mukherjee Commission is also not the first commission created to ascertain the death of Netaji Subhas Chandra Bose. The two previous commissions were the Shah

Newaz Commission (appointed by Jawaharlal Nehru) and The Khosla Commission respectively. The Khosla Commission, created by the government of Indira Gandhi (daughter of Jawaharlal Nehru), reported that all documents relating to Prime Minister Nehru and the reports of Netaji Subhas Chandra Bose were either missing or destroyed.

[edit] Govt of India rejects Mukherjee Commission report

The Mukherjee Commission report was tabled in the Parliament of India on May 17, 2006. The report said that Netaji did not die in the alleged air crash of 1945 and the ashes at the Renkoji temple are not his ashes. The report also did not comment on Netaji's alleged stay in Russia after 1945 and called for further investigation into the matter. However, the report said that Netaji could be presumed to be dead today.

The Govt of India has rejected the findings of the Commission, saying that it did not agree with the findings.

[edit] Mukherjee Commission report submitted

The Death of Netaji remains a mystery. No one cooperated in the investigation and consequently the JMC of enquiry was forced to submit its unfinished work to the home minister Shivraj Patil. The main reason for this is the non-cooperation shown by the home ministry. The dissatisfaction caused resulted in Justice Mukherjee sending the report through his secretary rather than submit it in person.

During the whole tenure of the investigation, only one country, Taiwan has shown any real cooperation. Even the Govt of India refused to share some important intelligence files under the pretext of them being sensitive. The GoI will be tabling this report along with the ATR to the parliament. At the moment the home minister has passed on this 500 page report to the CS division of the ministry for scrutiny.

Subrata Bose, who was present in all the international trips made by the JMC has said that apart from Taiwan, no other country has shown any cooperation. On the basis of the information available from Taiwan it is now confirmed that no air-crash took place on 18th August 1945 which could have killed Netaji as previously propagated.

The commission had tried to uncover facts from trips to Japan, Taiwan and Britain. The UPA govt has permitted the commission to visit Russia. Bose said that Russia too did not cooperate in this investigation. Officials in Russia had said that files were present in the former KGB archives but the commission was not even allowed to visit the archives. The hostile posture of the British, Japanese and Indian governments is intriguing and seems to strongly point to an international conspiracy. In any case it is clear that Netaji Bose was seen in Russia in 1946. Lately American state department has sent information to the commission which corroborate the fact that no aircrash

place in Taiwan. The request for intelligence papers from the Govt. of India led to the official response that they cannot be opened as they are of a highly sensitive nature that may jeopardise international relations between India and some of its friend nations.

The JMC commission was formed by the former NDA Government to investigate the mystery surrounding Netaji's death at the end of world war II. The only kindness shown by the UPA Govt was to extend the commission's tenure by 6 months - from May 2005 to 14th November 2005. But the commission has now submitted its report to the Govt before the end date.

[edit] External links

<http://www.rashtrivasahara.com/20051109/National.htm#2005110984>

Indians for Action - No. 1 site on the Netaji disappearance case

<http://www.indiansforaction.com>

Mission Netaji - Committed to find the truth behind the disappearance of Netaji

<http://www.missionnetaji.org>

Post Mukherjee Commission News Updates http://www.geocities.com/aug_18_1945/

May 17th, 2006. Mukherjee Commission report made public by the Indian Government along with the Government's criticism.

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 14.5.99

S.O.339(E) – Whereas the Shah Nawaz Khan Committee and the Khosla Commission of Inquiry appointed by the Government of India in April, 1956 and July, 1970 respectively to inquire into and to report to the Government of India on the circumstances concerning the departure of Netaji Subhas Chandra Bose from Bangkok about the 16th August, 1945, his reported death as a result of an aircraft accident, and subsequent developments connected therewith had come to the conclusion that Netaji Subhas Chandra Bose met his death in an air crash;

And, whereas there is a widespread feeling among the public that the issue of finding the truth about Netaji's death still remains;

And, whereas there has been a consistent demand for a further inquiry into the matter;

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And, whereas the Calcutta High Court also directed the Government of India for a vigorous inquiry in accordance with Law, if necessary, by appointing a Commission of Inquiry for the purpose of giving an end to this controversy;

And, whereas a Motion was adopted on 24.12.1998 by the West Bengal Legislative Assembly wherein a demand has been made for a fresh inquiry into the matter to remove the mystery regarding the whereabouts of Netaji Subhas Chandra Bose;

And, whereas the Central Government is of the opinion that it is necessary to appoint a Commission of Inquiry for the purpose of making an in-depth inquiry into a definite matter of public importance, namely, the disappearance of Netaji Subhas Chandra Bose in 1945;

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (2) of section 3 of the Commissions of Inquiry Act, 1952 (60 of 1952), the Central Government hereby appoints a Commission of Inquiry consisting of Mr. Justice M.K. Mukherjee, a retired Judge of the Supreme Court of India.

2. The Commission shall inquire into all the facts and circumstances related to the disappearance of Netaji Subhas Chandra Bose in 1945 and subsequent developments connected therewith including :-

- (a) whether Netaji Subhas Chandra Bose is dead or alive;
- (b) if he is dead, whether he died in the plane crash, as alleged;
- (c) whether the ashes in the Japanese temple are ashes of Netaji;
- (d) whether he has died in any other manner at any other place and, if so, when and how;
- (e) if he is alive, in respect of his whereabouts.

3. The Commission shall also examine the manner in which the exercise of Scrutiny of Publications touching upon the question of death or otherwise of Netaji can be undertaken by the Central Government in the circumstances.
4. The Commission shall submit its report to the Central Government as soon as possible but not later than six months from the date of publication of this notification.
5. The headquarters of the Commission shall be at New Delhi, and/or any other place as determined by the Commission.
6. The Central Government is of the opinion that, having regard to the nature of the inquiry to be made and other circumstances of the case, all the provisions of sub-section (2), sub-section (3), sub-section (4) and sub-section (5) of section 5 of the Commissions of Inquiry Act, 1952 (60 of 1952) should be made applicable to the said Commission and the Central Government in exercise of the powers conferred by sub-section (1) of the said section 5, hereby directs that all the provisions of the said sub-sections (2) to (5) of that section shall apply to the Commission.

Sd/- .

(NIKHIL KUMAR)
SPECIAL SECRETARY (ISP)

45

SPEED POST WITH A/D.

From: SRI ASHIM KUMAR GANGULY
90, A.K. Mukherjee Road,
3rd floor, Kolkata - 700090
-And- Ph: 2531-1861

SRI SUBHASH CHANDRA BASU
86, Sadar Boxi Lane,
Howrah - 711101.

Ph: 2640-121

To

Date: 27.09.2006.

1. The Hon'ble Prime Minister,
Government of India, Office of Prime Minister,
7, Race Course Road, New Delhi - 110003
2. The Hon'ble Minister of Foreign Affairs,
Government of India, New Delhi;
3. The Hon'ble Minister for Home Affairs,
Government of India, New Delhi;
4. The Hon'ble Minister of Parliamentary Affairs,
Government of India, New Delhi;

S i r (S),

With deep sense of regards being the responsible citizen we felt it necessitated to put forth the following points for your immediate intervention so as to bring the people of India into confidence into the question of alleged death of the National Hero Netaji Subhas Chandra Bose and put an end to the same:-

1. It is a matter of great ^{operational} that the Government of India has not accepted the reports made by the Netaji Enquiry Commission namely Justice Monoj Mukherjee Commission set up by the Government of India and placed the report before parliament for discussion at great length.
2. The apathetic attitude of the Government of India in not accepting the report and placing the same before the Parliament has widely been circulated in the leading News papers in the country and also echoed the same through the Electronics media, which made furore in the mind and sentiment of the public at large throughout the breadth and length of our country.
3. It will not be exaggeration to enunciate that the Justice Monoj Mukherjee Commission was set up by the Solemn order of the Hon'ble High Court at Calcutta passed in the case of Ashim Kumar Ganguly - Vs - Union of India and Ors. being W.P.No.1805 of 1997 and also following an unanimous motion adopted on 24.12.1998 by the West Bengal Legislative Assembly, Government of West Bengal, and then the Chief Justice of the Hon'ble Supreme Court of India selected name of Hon'ble Justice Monoj Kumar Mukherjee (Retired) of the Hon'ble Supreme Court of India and ultimately it was constituted in 1999.

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4. As per the terms of reference the Commission was constituted to find out the clue of mysterious disappearance of Netaji Subhas Chandra Bose and/or unearth whether Netaji Subhas Chandra Bose died in alleged Plane crash that took place at Taihoku (now Taipei) in Taiwan (formerly Formosa) on 18th August, 1945 and also to find out whether the alleged ashes kept in the Renkoji Temple in Tokyo, Japan as that of Netaji Subhas Chandra Bose or not.

5. Can it not be emphatically demanded that it is the duty of all citizens to know the cause of death and/or place of death if it really happens of such national leader and hero unlike Subhas Chandra Bose. The doubts have concretised in the minds of all Indians about such alleged reporting of death news of Netaji Subhas Chandra Bose and also alleged ashes staked in the Renkoji Temple since the earlier two attempts made by the Government of India to find out the aforesaid queries by setting up Shah Nawaz Inquiry Committee in 1956 and by Khosla Commission in 1970 which failed to achieve the credence of the public at large. Furthermore, the then Hon'ble Prime Minister Morarji Desai on August, 1978 declined to accept the said two earlier Committee and Commissions' report on Netaji Subhas Chandra Bose and cancelled the same while sitting in the Parliament.

6. Therefore, considering the above facts the Hon'ble Mukherjee Commission was constituted through the judicial intervention and its sanctity and reliability are much more than that of the earlier two Committee and Commission in this regard and thus, the people of India have eagerly accepted the findings of Mukherjee Commission in as much as it was based on evidence and it will also reflect the complete light and clear vision and/or complete light in the matter of alleged demise of Netaji Subhas Chandra Bose, the National Leader of the country having national regard all over the country and Crowned with international honour over the world.

7. In this context the above undesired action of the Government of India rejecting the report of Mukherjee Commission is really shocking and heart-breaking for the people of India. The Government of India has ignored the strong public sentiments over the long cherished reserved issue, which is rared up or nurished

by the Government of India. It may cause volcanic eruption in future if such ignorance is continued. It is, therefore, necessary that the Government of India should raise to the occasion and to give proper regard to the sentiment of the people of the country.

8. It is further stated that the citizen has a right to know the reason of such unreasonable rejection of report of Mukherjee Commission and also not placing the same before the parliament for wide discussion is a drastic attempt of the Government to turn a deaf ear to the rights enshrined under Article 19 of the Constitution of India and the said right has been consolidated and codified by the Parliament of our country enacting the Right to Information Act, 2005 and therefore, under the above Constitutional provision and under the said codified Act the people are entitled to know the real reason for such hostile rejection of report. Therefore, the people want to know the reason of such rejection. The apathetic attitude of the Government has strengthened the doubts and causes serious consequences in the minds of the people at large.

9. It is further stated that the Government of India in earlier occasion made attempt to award posthumous "Bharatratna" to Netaji Subhas Chandra Bose and further attempt was made to bring the alleged ashes of Netaji Subhas Chandra Bose without any formal declaration of death of Netaji. The purported attempts were ultimately abandoned due to filing a Writ petition in the Hon'ble Supreme Court of India challenging such arbitrary, whimsical and irrational decision of the Government of India. Till date the Government of India has neither declared the date of death of Netaji Subhas Chandra Bose nor abandoned the wasteful expenditure of Government exchequer for maintaining the temple at Renkoji ~~temple~~ in Japan to keep the alleged ashes of Netaji Subhas Chandra Bose. This decision for bearing the cost for such maintenance is nothing but national wastage of public money from exchequer for which the Government is questionable before the public at large with regard to such unwarranted and undesirable expenditure. Moreover, it is an absolute non-democratic decision of the democratic ^{Government of the} country where the more than 60% people live below the poverty line. Thus, it is required to be immediately stopped the said expenditure for the interest of the nation. The exordium in this regard is totally unsustainable and not praiseworthy.

9. The people of this country share a common view that Netaji

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Subhash Chandra Bose would be given honour much from the core of hearts if any real attempt is made to find out the clue of alleged death of Netaji Subhash Chandra Bose and immediately if the said expenditure is discontinued and no attempt be made to maintain the said temple cost unless there was/is a formal declaration of death to that effect. The report of the Justice Mukherjee Commission opined that the ashes kept in the Renkoji Temple in Japan is not of Netaji Subhas Chandra Bose.

Under the above facts and circumstances you are requested to immediately stop the expenditure for the maintenance of the so-called ashes kept in the Renkoji Temple at Japan and inform the applicants forthwith the reason for such rejection and/or non-acceptance of report of Mukherjee Commission within 10 days failing which the undersigned will have no other alternative except to knock at the door of the temple of justice for seeking appropriate order from the Hon'ble Court.

An early reply to the context of the instant appeal will be appreciated and also may restrain the hands of the undersigned to move further.

Yours faithfully,

Ashim Kumar Ganguly
1. (Ashim Kumar Ganguly)
Subhash Chandra Basu
2. (Subhash Chandra Basu)



HOWDAH H.P.O. (711181)
SP-900 U.F. 5295 1104/2004
Counter No. 309-Code: 001
TOWNSHIP OF U.A. 5001 (4-18016)
New Delhi, PIN-110
From: SUBHASH CH BASU, HNM-1
At: 36/08/06
At: 36/08/06, 12:14
Taxes: Rs. 4.00 (Have a nice day)



HOWDAH H.P.O. (711181)
SP-900 U.F. 5295 1104/2004
Counter No. 309-Code: 001
TOWNSHIP OF U.A. 5001 (4-18016)
New Delhi, PIN-110
From: SUBHASH CH BASU, HNM-1
At: 36/08/06
At: 36/08/06, 12:15
Taxes: Rs. 4.00 (Have a nice day)

ভাৰতৰ প্ৰাথমিক স্তৰৰ অধ্যয়নৰ বাবে

অনন্দবাজীৰ অভিধাৰী

কলকাতা ২১ অক্টোবৰ ১৯২০ খৃঃপঞ্জিকাৰ ৭ দিনেৰ ২০০৬ শব্দৰ সন্মত ২.৫০ টকা

অনন্দবাজীৰ
ভাৰতৰ প্ৰাথমিক স্তৰৰ অধ্যয়নৰ বাবে

চিত্ৰভাস্ম নেতাজি-কন্যাৰূপে দিয়ে বিতৰ্ক মেটাতৈ চায় কেঅ

অম্বি দাস • নয়াপলি

যাত নেতাজি পিছে আবেগৰ আবেগ
যুগান্তৰ ন্যাপ্ত এক জাতনৈতিক বিদ্যোৎসাহ
কৰে কী জাৰে তাই যুগান্তৰে, সে সন্দেহ
নেতাজিৰ অৰূপে প্ৰতিটি প্ৰাণেই
আবেগৰ সন্মত ২.৫০ টকা



অনন্দবাজীৰ জন্মৰ কথা
বিবেচনা কৰা হৈছে, এ
আবেগৰ সন্মত ২.৫০ টকা
নেতাজি-
কন্যাৰূপে
দিয়ে বিতৰ্ক
মেটাতৈ চায়
কেঅ

অনন্দবাজীৰ জন্মৰ কথা
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কন্যাৰূপে
দিয়ে বিতৰ্ক
মেটাতৈ চায়
কেঅ

444
DISTRICT, HOWRAH.

IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION

(APPELLATE SIDE)

W.P. NO. 27541 (W) OF 2006.

IN THE MATTER OF:

An application under Article 226
of the Constitution of India;

-And-

IN THE MATTER OF:

SRI ASHIM KUMAR GANGULY & ANOTHER.

-VERSUS- PETITIONERS.

UNION OF INDIA AND OTHERS.

.... RESPONDENTS.

"P E T I T I O N"

ON-RECORD;

SRI SUBHASH CHANDRA BASU

Petitioner-in-
person.

Address: 86, Sadar Boxi Lane, Post
Office, Police Station and
District - Howrah, Pin: 730001

Phone : 2640-1217.

①
No 2072/2040/07
22/8

Restricted
445
10677/65/07
20/8
For official use only
S-1671/JS(EA)/07
21/8

E-Gram

No. OE-22/Amb/2007
Embassy of India
Tokyo
Office of the Ambassador

Priority
File No.
Dated
Addressed to:
MEA
Reptd. to:

Most Immediate
Tok/Pol/103/17/07
13 August, 2007
Shri Shivshankar Menon, Foreign Secretary,
Shri Vijay Gokhale, JS(EA), MEA

Recd Tokyo
h 24/8
JS(EA) Hg
NRD
m M H
24/8/07

Dear Shankar,

Herewith text of letter addressed by Prof. Dr. Anita B. Pfaff to Rev. Nichiko Mochizuki, Chief Priest of Renkoji Temple, which the latter has forwarded to me today.

2. The Chief Priest has also orally conveyed that he has not replied to this letter and will not deal with any private party, including family members of Netaji; he will deal in the matter only with the Government of India.

3. I await your guidance.

With best regards,

Hemant

(H. K. Singh)

Prof. Dr. Anita B. Pfaff

446

Haldenweg 23
86391 Stadtbergen
Germany
Phone +49-821-434812
Fax +49-821-438807
Mobile +49-178-4348120

Rev. Nichiko Mochizuki, Chief Priest
Renkoji Temple
3-30-20 Wada
Suginamiku
Tokyo
Japan

Augsburg, July 16, 2007

Re: Return of the remains of Netaji Subhash Chandra Bose to India

Respected Reverend Mochizuki,

This letter is addressed to you personally at Dr. Kazuo Azuma's suggestion. Unfortunately I do not speak or write Japanese. Therefore I apologize for addressing you in English. A translation will be furnished, however.

As you are no doubt informed Dr. Azuma and Former Ambassador Noda from the Japanese-Indian Association contacted me in December 2006, asking me whether I would be willing to take charge of my father's, Subhas Chandra Bose's, remains after which you and your late father have looked in such exemplary fashion for so many years. Let me express my great regard and gratitude to you and your family for your dedication to this task. My husband and I were most impressed to visit the temple in 1979. I understand that since then the temple has undergone renovations. I have seen photographs taken by relatives and friends who visited since then and I am impressed. Since it was for all practical purposes impossible to have my father's remains transferred to India in the past, it was a great comfort for me and for my late mother to know that my father's remains were in your hands.

However, I can understand that you would also wish to be relieved of this burden after such a long time. Unfortunately the last Inquiry Commission into my father's death, the so-called Mookherji Commission, set up by the previous Indian government in 1999 has handed in a report stating that no documentary proof of my father's death in August 1945 could be found. Judge. Mookherji therefore concluded that my father did not die in August 1945. Much to my distress some of the persons sharing this view are also members of my and my father's family as well as some dedicated devotees of my father. I would very much hope to convince them of the genuine nature of my father's remains in your temple, before we transfer the remains to India, so that they will either participate in a dignified ceremony or at least not interfere with such a ceremony. Therefore I had decided to attempt to have a DNA test of my father's remains performed, if technologically at all possible. Originally I had considered such a test unnecessary and inappropriate.

(449)

I understand that the test is most likely successful in extracting DNA from cremated remains by way of forensic DNA-testing methods. An expert would have to see the remains personally and select the bones most suitable for a test. Some of the German and Austrian laboratories have accumulated extensive experience in forensic DNA-work on account of analyses done for Ex-Yugoslavian victims after the war in Bosnia during the last decade. I would like to have them do the test. However, for this I need your consent for the scientist from Germany to come to your temple and -after observing the required rites determined by your rules-select the suitable bone samples to take them to Germany. On account of the sceptics in India, who still do not believe in my father's death in August 1945 any investigation of this type should be carefully documented. A TV team that has been cooperating with me in the matter should-if at all acceptable for you-film the process of selection. Should you not want a stranger to do the film documentation my son who is a TV journalist himself could possibly do the filming. At this stage, however, I want no publicity of the DNA test at all, since I am afraid the opponents to the transfer of my father's remains to India would try to interfere and oppose such an undertaking.

I have informed the Prime Minister of India of my intention to take my father's remains to India after having a DNA test performed. I have also asked the Prime Minister to let me know, how the Government of India wishes and intends to be involved in the transfer ceremony. Since I have had no adverse reaction from the Prime Minister or other members of the Government of India for over a month after the receipt of my letter, I can safely assume that my intentions regarding the DNA-test and the transfer meet with the approval of the Indian Government.

Provided the German institute is able to extract DNA from my father's bones, which is not absolutely certain after a cremation, the result of the test should be available within about two to four weeks. In this case the transfer of my father's remains to India could be possible may be in autumn or winter of this year. Since, this is also the Japanese-Indian friendship year and India's 60th anniversary of independence as well as the year of my father's 110th birthday, this would be a most auspicious time. However, on account of the time needed for preparation the schedule is tight.

My immediate family (husband and children) and I intend to travel to Japan to accompany the remains of my father to India. Should you consider it necessary I could also come along for the selection of the bones for testing. Prof. Sugata Bose, my nephew, has also offered to go on my behalf, if needed. Since my health has not been very good during the last year, I would prefer to make just one trip to Japan on the occasion of accompanying my father's remains from Japan to India.

I am looking forward to your response- preferable in advance by fax or E-mail.

Respectfully yours

Prof. Dr. Anita Pfaff

(17)
No. 2015/1150/07
E-Gram 16/8

448
For official use only
S-1624/JS(EA)107/14/8

No. OE-22/Amb/2007
Embassy of India
Tokyo
Office of the Ambassador

Priority	Most Immediate
File No.	Tok/Pol/103/17/07
Dated	13 August, 2007
Addressed to:	Shri Shivshankar Menon, Foreign Secretary, MEA
Reptd. to:	Shri Vijay Gokhale, JS(EA), MEA

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3. I await your guidance.

With best regards,

Hemant

(H. K. Singh)

Pl. p.u. on file
14.8.2007

So (NGS)
14/8/07

Prof. Dr. Anita B. Pfaff

449
Haldenweg 23
86391 Stadtbergen
Germany
Phone +49-821-434812
Fax +49-821-438807
Mobile +49-178-4348120

Rev. Nichiko Mochizuki, Chief Priest
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3-30-20 Wada
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450

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I understand that the test is most likely successful in extracting DNA from cremated remains by way of forensic DNA-testing methods. An expert would have to see the remains personally and select the bones most suitable for a test. Some of the German and Austrian laboratories have accumulated extensive experience in forensic DNA-work on account of analyses done for Ex-Yugoslavian victims after the war in Bosnia during the last decade. I would like to have them do the test. However, for this I need your consent for the scientist from Germany to come to your temple and -after observing the required rites determined by your rules-select the suitable bone samples to take them to Germany. On account of the sceptics in India, who still do not believe in my father's death in August 1945 any investigation of this type should be carefully documented. A TV team that has been cooperating with me in the matter should-if at all acceptable for you-film the process of selection. Should you not want a stranger to do the film documentation my son who is a TV journalist himself could possibly do the filming. At this stage, however, I want no publicity of the DNA test at all, since I am afraid the opponents to the transfer of my father's remains to India would try to interfere and oppose such an undertaking.

I have informed the Prime Minister of India of my intention to take my father's remains to India after having a DNA test performed. I have also asked the Prime Minister to let me know, how the Government of India wishes and intends to be involved in the transfer ceremony. Since I have had no adverse reaction from the Prime Minister or other members of the Government of India for over a month after the receipt of my letter, I can safely assume that my intentions regarding the DNA-test and the transfer meet with the approval of the Indian Government.

Provided the German institute is able to extract DNA from my father's bones, which is not absolutely certain after a cremation, the result of the test should be available within about two to four weeks. In this case the transfer of my father's remains to India could be possible may be in autumn or winter of this year. Since, this is also the Japanese-Indian friendship year and India's 60th anniversary of independence as well as the year of my father's 110th birthday, this would be a most auspicious time. However, on account of the time needed for preparation the schedule is tight.

My immediate family (husband and children) and I intend to travel to Japan to accompany the remains of my father to India. Should you consider it necessary I could also come along for the selection of the bones for testing. Prof. Sugata Bose, my nephew, has also offered to go on my behalf, if needed. Since my health has not been very good during the last year, I would prefer to make just one trip to Japan on the occasion of accompanying my father's remains from Japan to India.

I am looking forward to your response- preferable in advance by fax or E-mail.

Respectfully yours

Prof. Dr. Anita Pfaff



No.Berl/Pol/07

10175/FS/07
1018
451
112
AMBASSADOR OF INDIA

TIERGARTENSTRASSE 17
10785 BERLIN

TEL.: (030) 2579 8213 / 2300 5892

FAX: (030) 2300 5895

E-Mail: ambassador@indianembassy.de

3334/JS(BA)10/13/8

July 27, 2007

In continuation of my message dated 26th July, 2007 I am enclosing a copy of the letter addressed to PM given to me by Dr. Anita Pfaff, when she called on me yesterday.

Yours sincerely,

Sd/-
(Meera Shankar)

Ms. Sujata Mehta
Joint Secretary(S)
Prime Minister's Office
South Block
New Delhi.

Encl: As above.

Copy for info. to:

1. Foreign Secretary, MEA, New Delhi.
2. Director(EAMO), MEA.
- By copy
10/8
JS(BA)
13/8/07

yshankar
(Meera Shankar)

एम. के. नारायणन

राष्ट्र सुरक्षा सलाहकार

M.K. Narayanan

National Security Adviser

Tel : 23019227

No. 1845/N60/07

31/7



सत्यमेव जयते

T-435

8/6/15/10

23/7

SECRET

प्रधान मंत्री कार्यालय

नई दिल्ली-110 011

PRIME MINISTER'S OFFICE

NEW DELHI - 110 011

D.O. No. 915/11/C/2/2006-Pol (Vol. II)

July 13, 2007

Dear Shankar,

Discussed with NSA and EAM.
The Chief Priest can hardly say he must
keep the ashes. But the messages from
ex PM Mani, the Amb & other Japanese are
clear. We proceed with the construction of a
chance in the new Chancery.

I write with reference to the matter of Netaji's ashes which are presently being maintained at the Renkoji Temple in Tokyo. As you know this matter has been discussed on several occasions, and recently the possibility of the ashes being moved to the new Chancery premises of the Indian Embassy in Tokyo had been broached.

2. I have had occasion to discuss this subject with EAM and he kindly agreed that before any further action in this direction is taken, the position of the new Chief Priest of the Renkoji Temple should perhaps be ascertained to confirm the possibility of the ashes continuing to be maintained there. If there is some problem keeping the ashes at the Renkoji Temple as per present arrangements, by which the Government of India makes an annual contribution, other options could be explored – such as increasing substantially the amount being paid for their upkeep, or any other means.

3. I would appreciate your asking our Ambassador in Tokyo to explore this further and letting us have his assessment, following which this subject could be considered further.

Warm regards

Yours sincerely,

MK Narayan

(M.K. Narayanan)

✓ Shri Shivshankar Menon,

Foreign Secretary,

Ministry of External Affairs,

New Delhi

Prof. Dr. Anita B. Pfaff

453 2/2
Haldenweg 23
D-86391 Stadtbergen
Germany
Phone: +49821434812
Fax: +49821438807
Mail: anita.pfaff@gmail.com

To His Excellency
Dr. Manmohan Singh,
Prime Minister of India, New Delhi
152, South Bloc
New Delhi 110011
By Fax 009111-23016857

July 23, 2007

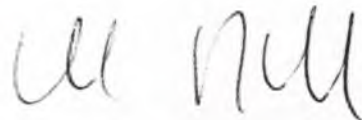
Re.: My letter addressed to you while in Germany for the G8 summit, forwarded by the Indian Ambassador

Dear Prime Minister,

India's Ambassador to Germany Mrs. Meera Shankar or a member from her staff handed a letter from me to you personally or to a member of your staff. She advised me by letter that this had been done. I do hope that the letter has been brought to your attention. Your acknowledgement would help in organizing my further activities.

With best regards

Sincerely yours



Anita B. Pfaff

yshankar
26/7/07

THIS TELEGRAM WILL NOT BE PHOTOCOPIED, QUOTED OR DISTRIBUTED OUTSIDE INDIA GOVERNMENT DEPARTMENTS OR HEADQUARTERS OR RETRANSMITTED EVEN IN CIPHER OTHER THAN ONE TIME CIPHER SYSTEM WITHOUT BEING PARAPHRASED.

Telegram

O.T.C.
SECRET

CCB No. 02170

From : Indembassy Berlin
To : Foreign New Delhi

IT-108/JS(EA)107/29/7

DTG JUL 261700
DTR JUL 262300
YEAR 2007

No. 55

Foreign Secretary from Ambassador.

Yesterday, Dr. ANITA PFAFF, daughter of SUBASH CHANDRA BOSE, had come to see me in pursuance of the letter that she had addressed to PM during the G-8 Summit. She said that she had met an official of the Japanese Embassy to discuss her proposal for getting a private DNA test done in Germany on her father's remains kept in Japan. The official had advised her that the Japanese Government would not like to do anything without the consent of the Indian Government. She said that she was still awaiting a response from GOI regarding the proposal.

2. I told her that I had received no formal response from GOI, though I could imagine that this would be somewhat delicate, given the political controversy surrounding the issue in India.

3. Dr. PFAFF stressed her personal interest in bringing the issue to a close especially since she is getting on in years. She said that it may also be helpful to GOI to clarify the issue without getting directly involved and that she would try to seek the support of other family members for this. I said that I would convey her request to GOI and get back to her.

PM : NSA : JS S PMO : EAM : FS : SECY EAST : SECY WEST : JS EW : JS EA :
CAB SECY.

Note by CCB : Distribution as desired by the Originator.

Kortan
SECTION OFFICER (CCB)

YP(A)/11Cs.
262345
270015
270600

SECRET

(17)
No. 16012/2/2007-Cdn.
Government of India
Ministry of Home Affairs
(Internal Security Division)

2550/J5(CMV)/07
6/7
No 1588/N40/07
9/7
(458)

9th Floor, Lok Nayak Bhawan,
Khan Market, New Delhi- 110003
Dated 5th July, 2007

To

Shri Dev Ashish Bhattacharya,
91-K, DIZ Area, Sector-IV,
B.K.S. Marg, New Delhi- 110001

Sub: Information relating to role of Netaji Subhash Chandra Bose in the
"History of Freedom Movement".

Sir,

With reference to your second application dated 8.6.2007 under Right to Information Act, 2005, on the above mentioned subject, I am directed to invite your kind attention to our letter of even No. dated 5.6.2007 and to say that the information on "History of Freedom Movement" are primarily the concern of M/o Culture and National Archives. Accordingly your application dated 8.6.2007 has been forwarded to M/o Culture and National Archives to provide you the requisite information on the points concerning "History of Freedom Movement". As the application also includes some questions on audio-visual publicity, INA matters, installation of statues of statesmen in the premises of Parliament House/Annexe, a copy of application has also been forwarded to M/o Defence (History Division), MEA, DAVP and Lok Sabha secretariat, who may be concerned with questions on these aspects, with the request to provide requisite information on points concerning them.

Yours faithfully,

(S.K. Malhotra)

Deputy Secretary to the Govt. of India

D. Han
06/07
SO(N40)

82 GAT
9/7/07

456

Copy alongwith a copy of application dated 8.6.2007 forwarded to the:

1. Ministry of Culture (Shri Sudesh Kumar, Deputy Secretary, M/o Culture), Shastri Bhawan, New Delhi.
2. National Archives (Shri K.K. Sharma, Asstt. Director of Archives (Records), Janpath, New Delhi
3. Ms. Shalini Narayan, Director, CPIO, DAVP, Suchana Bhawan, CGO Complex, New Delhi.
4. Mrs. R. Dhanedhar, Director, Ministry of Defence, History Division, Wing-1, West Block-8, R.K. Puram, New Delhi.
- ✓ 5. Joint Secretary, (Shri L.D. Ralte, Joint Secretary (CN&V), MEA, South Block, New Delhi.
6. Shri B.D. Swan, Director W&G(I) Branch, Lok Sabha Secretariat, Parliament House Annexe, New Delhi.

With request to provide information to the applicant on points concerning your Ministry/Department. Application fee of Rs.10/- has been received in MHA.

hsla

(S.K. Malhotra)

Deputy Secretary to the Govt. of India

Copy for information also to Shri S.K. Bhatnagar, Deputy Secretary, MHA.

(S.K. Malhotra)

Deputy Secretary to the Govt. of India

No.A-43020/2/2007-RTI
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya

New Delhi, Dated the 11th June 2007

OFFICE MEMORANDUM

Subject: Information sought by Shri Dev Ashish Bhattacharya under Right to Information Act, 2005 – transfer of request.

The undersigned is directed to forward herewith an application No. nil dated 08.06.07 received in this Ministry on 08.06.2007 from Shri Dev Ashish Bhattacharya, 91-K, DIZ Area, Sector-IV, B.K.S. Marg, New Delhi-110001 seeking information under Right to Information Act, 2005 regarding Netaji Subhash Chandra Bose-A forgotten Hero etc.

2. It is requested that necessary action may please be taken on the request under the Right to Information Act, 2005.

3. The prescribed application fee of Rs.10/- has been received in this Ministry by way of cash and the receipt No. 1891 dated 08.06.2007 is enclosed

(S.K. Bhatnagar)

Deputy Secretary (A&P) & CPIO

Tele. No. 23092035

Encl : As above.

To

Shri S.K. Malhotra, Dy. Secretary
& CPIO, Ministry of Home Affairs

Lok Nayak Bhavan, New Delhi.

Copy for information to: -

Shri Dev Ashish Bhattacharya, 91-K, DIZ Area, Sector-IV, B.K.S. Marg,
New Delhi-110001

(S.K. Bhatnagar)

Deputy Secretary (A&P) & CPIO

Tele. No. 23092035

Pl. pu

Shri

19/6/07

US(A)

(RTI)

18/6/07

SO (Cdn)

File received

Pl. pu.

SO (Cdn)

19/6/07

Ministry of Home Affairs

G. A. R. 6

(See rule 22 (i))

RECEIPT

No. **1891**

Dated **8/6/2007**

Received from **Shri Dev Ashish Bhattacharya** with

Letter No./Reference No. Dated 200....

the sum of Rupees **Ten only**

in ~~Cash/by Banker Cheque/by Bank Draft/by Indian Postal Order~~ on account of fee under Right to Information Act 2005.

Rs. **10/-**

[Signature] Initials
Designation.

71
459
APPLICATION UNDER SECTION 6 OF THE RIGHT TO INFORMATION ACT, 2005)

To

The Home Secretary,
Ministry of Home Affairs,
North Block,
New Delhi-110 001.

Subject:- Netaji Subhas Chandra Bose- A Forgotten Hero.

Sir,

Please find enclosed the copy of the letter No. CPIO(SN)/RTI/DAB/07 dated 09.04.2007 through which it is indicated that during the period from 01.04.2006 to 26.03.2007 DAVP has spent Rs.1,09,66, 05,750/- on display advertisements to various newspapers and approximately Rs.100 crores on electronic media. It is also mentioned in the above mentioned letter that "**no advertisement was released by DAVP on 23rd January, 2007 (Netaji's Birth Day) to spread the message of Netaji Subhas Chandra Bose**". Please find enclosed the copy of the letter No. 12014/2/2007-Cdn. dated 23.04.2007 of Mr. L. C. Goyal, Joint Secretary, which indicates that Netaji's contribution to the freedom struggle of our country is immense and cannot be limited into few pages. It also narrates that Netaji is held in the highest esteem by the country and the Government and he is amongst the greatest statesmen of our country.

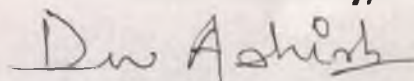
Now, under the provision 6 of the RTI Act, 2005. I want to have the following information:-

- (i) Which Ministry and Officials were responsible to direct the DAVP to not to release any advertisements, in print and electronic media, to spread the message of Netaji Subhas Bose on his birthday on 23.01.2007. Please provide the name of the Ministry and the officials responsible for this action.
- (ii) What were the reasons, on record, which became the cause for not releasing any advertisements for Netaji Subhas Bose on 23.01.2007 ?
- (iii) Does Government of India acknowledge Netaji Subhas Chandra Bose as the Commander-in-chief of INA ? If yes then what status has been assigned to Netaji in the hierarchy of the Indian Military establishment? If not, then what are the reasons?

- 460 72
- (iv) Does Government of India acknowledge the "**Provisional Government of Free India in exile**" formed by Netaji Subhas Chandra Bose ? If yes, then has Netaji Subhas Bose given the Head of the state status by the Government of India? If not then what are the reasons?
 - (v) Is it an records of Government of India that Japan and Germany has acknowledged the "**Provisional Government of Free India**" formed by Netaji Subhas Chandra Bose?
 - (vi) Is there any currency, available with the Government of India, of "**Provisional Government of Free India**" formed by Netaji Subhas Chandra Bose? May I get the photocopy of both sides of that currency ?
 - (vii) How many statues of our great statesmen are erected in the premises of our Parliament and Parliament Annexe ? Please provide the names of those great statesmen and year of the erection of their statues.
 - (viii) What are the parameters, available with Government of India, which determine the suitability of such installation of the statues in the precincts of our sacred Parliament ?
 - (ix) Is there any plan, pending with Government of India, to install a statue of Netaji Subhas Chandra Bose in the precincts of the Parliament or Parliament Annexe?
 - (x) Is there any plan, with the Government of India, to appoint a commission for getting the true position with regard to the contribution of Netaji Subhas Chandra Bose towards the freedom struggle of our country ? Because in the given scenario it seems that the Government is slightly ignorant with regard to the importance and relevance of Netaji towards our freedom struggle as well as the establishment of various economical and social projects in the developing stage of our country.

Thanking you

Yours faithfully,



(Dev Ashish Bhattacharya)
91-K, DIZ Area, Sector-IV,
B.K.S. Marg, New Delhi-01

Dated: 08/06/2007

(461) 73

GOVERNMENT OF INDIA
DIRECTORATE OF ADVERTISING & VISUAL PUBLICITY
MINISTRY OF INFORMATION & BROADCASTING
PHASE IV, SOOCHANA BHAWAN, CGO COMPLEX, NEW DELHI
www.davp.nic.in

CPIO(SN)/RTI/DAB/07

Dated : 9th April, 07

To
Sh. Dev Ashish Bhattacharya,
91-K, Sector-IV, DIZ Area,
B.K.S. Marg,
New Delhi -110001

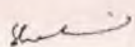
Sub: Request for information under the Right to information Act -reg.

Sir,

Kindly refer to your letter on publicity on Netaji Subash Chandra Bose under RTI Act submitted to the Ministry of Home Affairs on 2.4.07. The reply pertaining to DAVP is as under:

5) During the period from 1.4.06 to 26.3.07 DAVP has issued display advertisements to various newspapers worth Rs. 1,09,66,05,750/- and an amount of Rs. 100 crores (approx) was spent on electronic media. No advertisement was released by DAVP on 23rd January, 2007 to spread the message of Netaji Subhas Chandra Bose; however, Telecast of a video spot of 60 sec. was done free of cost by DC News.

Yours faithfully,


(Shalini Narayanan)
CPIO
Tele No. 24369540

422
By Speed
74

No. 12014/2/2007- Cdn.
Government of India
Ministry of Home Affairs

Lok Nayak Bhawan, Khan Market,
New Delhi-110003
Dated 20th April, 2007

To

Shri Dev Ashish Bhattacharya,
91-K, Sector IV, D.I.Z. Area,
B.K.S. Marg,
New Delhi- 110001

23.3.2007

Sub: Appeal against the letter dated 12.3.2007 issued by CPIO regarding information relating to Netaji Subhash Chandra Bose under RTI Act, 2005.

Sir,

This has reference to the appeal dated 21.3.2007 (received on 23.3.2007) filed by you against the reply given by Shri S.K. Malhotra Deputy Secretary, MHA and CPIO to your request dated 5.2.2007 seeking information on the relevance of Netaji Subhash Chandra Bose with regard to freedom of India.

2. With regard to the specific information sought by you, the position is as under :-

- (i) The whole country and the Government hold Netaji Subhash Chandra Bose in the highest esteem. He is among the greatest statesmen of our country who led and guided the freedom movement. The contribution of Netaji in the freedom struggle of our country is immense and it is not possible to reduce it into a few pages. However, a number of public records are available in the National Archives which is under the administrative control of the Ministry of Culture, depicting the remarkable and heroic role played by Netaji in the freedom movement. Besides, the National Archives also has a private collection including INA papers in its Private Archives Unit where papers of eminent persons, families and institutions received by way of gifts, donations or even purchase are kept. Various books on the significance of Netaji's role in the struggle for India's freedom are also available in the Indian Council of Historical Research (ICHR), an autonomous organisation of the Ministry of Human Resource Development. Access to these documents in these organisations can be made by contacting :
 - a) Shri K.K. Sharma, Asstt. Director of Archives (Records), National Archives of India, Janpath, New Delhi - 110 001 - Phone 2307 3007 or visit their website www.nationalarchives.nic.in
 - b) Dr. P.K. Shukla, Member Secretary, ICHR, 35, Feroz Shah Road, New Delhi - 110 001, Phone 2338 7877 or visit their website www.ichrindia.org.

In addition, as per available information in the Ministry, Pensions have been sanctioned to the members of INA founded by Netaji in recognition of their great contribution to the cause of freedom of the country.

(ii) The life and legacy of Netaji will continue to inspire our countrymen and future generations. The statues and portraits of Netaji put in the Parliament and other official buildings are an indication of the desire to honour and perpetuate Netaji's memory. The legacy of Netaji and his great contribution in the freedom struggle of our country are an integral part of India's history and heritage.

(iii) As per information obtained from the Ministry of Culture, the measures taken by the Government to celebrate Netaji's Birth Centenary Year included :-

a) A corpus grant of Rs. 3.00 crores was sanctioned on 26th March, 1997 to Netaji Research Bureau, Kolkata during the birth centenary year of Netaji.

b) A grant of Rs. 1.50 crores was sanctioned on 26th March, 2002 to Netaji Subhash Chandra Bose National Memorial Trust, Cuttack, for the development of the ancestral house of Netaji Subhash Chandra Bose.

In addition, the following events connected with Netaji have been proposed for inclusion in the Calendar of Events for the 150th Anniversary of First War of Independence, 1857 :-

	Event		Place
a)	Birth of Subhash Chandra Bose	January (23.01.1897)	Kolkata
b)	Subhash Bose's INA raises National Flag on Indian soil	March (19.3.1944)	Kohima
c)	INA Trial, Delhi	November (5.11.1945)	Delhi

3. In this connection, I may mention that the reply dated 12.03.2007 given by the CPIO to your request dated 5.2.2007 was based on the records available with him and that there was no wilful delay or neglect on his part in giving you a proper response under the RTI Act.

Yours faithfully,



(L.C. Goyal)

Joint Secretary to the Govt. of India

MHA on backfoot on Netaji issue

NEW DELHI: The mysterious disappearance of Netaji Subash Chandra Bose returned to haunt the Union Home Ministry on Tuesday as the CIC expressed displeasure over its stand of not parting with documents related to his alleged death in a plane crash in 1945.

"Who are you to decide if an information can cause unrest? You have to be accountable to the people of the country as to why an information cannot be disclosed," Information Commissioner A N Tiwari said.

The full Bench, headed by

Chief Information Commissioner Wajahat Habibullah, met to decide on a plea by Sayantan Dasgupta, who had sought information from the ministry about documents relied on by two commissions that had arrived at the conclusion that Netaji had died in an air crash in Taiwan.

During the hour-long proceedings, the ministry was at the receiving end as it failed to explain its reasoning that providing the documents could lead to unrest in the country, including in Netaji's home state of West Bengal.

PTI

TO THE EXACTS 06/06/02

Pl. kept on file.

D.S.
06/06/02

SO (N/60)
S.M.H.
06/06/02

Printed from

THE TIMES OF INDIA

The Times of India - Breaking news, views, reviews, cricket from across India

PMO seeks dismissal of RTI appeal on Netaji file

31 May, 2007 | 1025 hrs IST | PTI

SMS NEWS to 8888 for latest updates

NEW DELHI: The PMO has vehemently opposed before the Central Information Commission (CIC) an application seeking documents relating to destruction of a government file thirty years ago on the mysterious death of Netaji Subhas Chandra Bose.

The PMO was responding to a notice issued by CIC on a plea of 'Mission Netaji' - a Delhi-based organisation - seeking information concerning destruction of a file, which contained reports of investigation into the circumstances leading to Netaji's death.

The file was destroyed by the government in 1972.

Mission Netaji's official Anuj Dhar had moved the CIC in November last year after the Central Public Information Officer (CPIO) of PMO denied papers pertaining to destruction of its file titled "investigation into the circumstances leading to the death of Sri Subhas Chandra Bose."

The CPIO had said that the file was destroyed in 1972 during the routine process of review and weeding of old records.

The CIC which has fixed August 10 this year for hearing the issue had called for PMO's comments.

Terming the application as "not maintainable," PMO's Director and CPIO Kamal Dayani in his response to the Commission, on May 17, called for its dismissal and suggested that an appeal, with its Appellate Authority, should first have been made.

Dhar, however, contended that the CPIO's response to him had lacked information on particulars of PMO's Appellate Authority, to whom an appeal could have been made.

The RTI Act which discusses provisions on appeal procedure, makes it mandatory for CPIO of a public authority to communicate, in its reply, particulars of such authority in its office where an appeal may be placed, the applicant said.

"It is a fact that the letter of CPIO did not mention the details of the Appellate Authority to whom appeal against the reply of CPIO lies," the CPIO admitted in his response, placed before the Commission.

Dhar's RTI application which was originally filed before the Cabinet Secretariat in August last year was later transferred to the PMO.

The application was filed to understand circumstances in which a sensitive PMO file dealing with the highly controversial fate of a national hero was destroyed at a time when a judicial inquiry into the matter was on, Dhar contended in his RTI request.

"It is very suspicious that the 'routine process of review/weeding of old records' overlooked this and the file was destroyed along with some useless records," he stated.

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This site is best viewed in 1024x768 resolution.

(11)

2071/JS(CNV)/07 May wish to see H. by 31.5.07

JS(ERS)

207 31.5

(465)

- Same as the present file

May like to see, if not seen already
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JS(CNV)
D. H. 01/06

SO(NK.S)

207 4/6/07



Dr. J. Bhagwati
Joint Secretary

(10) NO-2035/JS(CNV)/07
31/05

Secret

466

No. 1272/140/07
31/5

Ministry of External Affairs
South Block, New Delhi-110 011
Mail : jsers@mea.gov.in
Phone : 23017411
Ph/Fax : 23011922

No. S-404/JS(ERS)/07

30 May 2007

Dear

This is with reference to my letter no. 11/JS (ERS)/2007 dated April 20, 2007 regarding a request made under "Right to information" (copy enclosed for ready reference). It is requested that the Russian side's response may kindly be intimated at an early date.

Yours sincerely,

sd/-

(Dr. J Bhagwati)

Shri Divyabh Manchanda,
Deputy Chief of Mission,
Embassy of India, Moscow

Copy to:

AS(PP), JS(CNV)

(Dr. J. Bhagwati)

DS
31/05

58/1460

84 MW
31/5/07

(9)
No.12014/12/2007-Cdn.
Ministry of Home Affairs
Internal Security Division
.....

1815/J3 (CNV)/07
15/5

462

**Lok Nayak Bhavan, 9th floor, 'C' Wing,
Room No.8, New Delhi, dt. 14.5.07**

To

Shri G.S. Makkar,
Jr. CGA,
Ministry of Law and Justice,
11 Strand Road,
Kolkata-1.

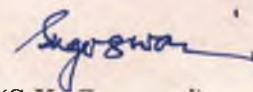
Subject: W.P.No.27541 of 2006 – Ashim Kr. Ganguly & Anr. Vs. UOI.

Sir,

I am directed to refer to this Ministry's letter of even number dated 26th April 2007 (copy enclosed). It is requested to send the copy of the Writ Petition urgently to this Ministry for taking further necessary action in the matter.

(S.K. Goswami)
Under Secretary

Copy to:- Ministry of External Affairs(Shri Debnath Shaw, Joint Secretary(CNV), South Block.


(S.K. Goswami)
Under Secretary

J. M
15/5/07
50 (M.H.)
S.M.H.
1492

1170/NEW/07
21/5

1882/JS(CNV)/07
18/5

468

Most immediate
Right to Information matter

Ministry of External Affairs
New Delhi

Reference AS(PP) and Appellate Authority (RTI)'s note No. RTI-52 /AS(PP)/ 2007 dated 19th April 2007 regarding information sought by Shri Anuj Dhar under the RTI Act, 2005.

2. Enclosed please find the recommendations in original of the Committee set up for this purpose by AS(PP) & Appellate Authority (RTI) vide his note under reference.

3. JS(Eurasia) is following up on the reference made to the Russian authorities as per paragraph 2 of the recommendation and the same will be conveyed when received.

D. Shaw
(Debnath Shaw)
Joint Secretary (CNV)
18.05.07

AS (PP) & Appellate Authority (RTI)
Enclosures as above

Copy with enclosures to:

JS (Eurasia)

O/C
SO (NGO)
21/7/07

469

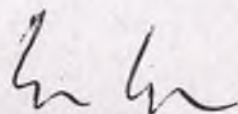
Most immediate
Right to Information matter

Ministry of External Affairs
New Delhi

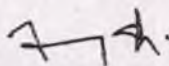
Reference notes No. RTI 52/AS(PP)/2007 of 19th April 2007 and RTI 63/AS(PP)/2007 of 27th April 2007 regarding the application filed by Shri Anuj Dhar under the RTI Act requesting for certified copies of the complete correspondence which the Ministry has had with the Government of erstwhile Soviet Union and the Government of Russian Federation over the disappearance of Netaji Subhash Chandra Bose.

2. We have gone through the correspondence on the subject. We feel that in this specific case, copies of the correspondence could be given to Shri Anuj Dhar provided the Government of the Russian Federation has no objection to this course of action. We have seen the letter that has been addressed to our Mission in Moscow to consult the concerned Russian authorities in this regard. A final decision could be taken by the Ministry on the response received from the Russian authorities.

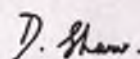
3. While our views conveyed in the paragraph above disposes of the specific question on which our views have been sought, we also feel that it would be appropriate for the Ministry to examine the overall issue : Should diplomatic interaction between the Ministry or our Missions/ Posts abroad, whether in writing or oral, with the Governments/ authorities of their accreditations be exempted from the provisions of the RTI Act. Such diplomatic exchanges are, by their very nature, privileged and releasing them under the RTI Act may adversely impact on our credibility as a diplomatic interlocutor. While examining this issue, the Ministry could seek (a) a blanket exemption or (ii) an exemption for exchanges which are within a prescribed period e.g. 40 years or (iii) while accepting the present provisions(s) of the RTI Act in regard to diplomatic exchanges insist that, for any material that the Ministry feels can be released, the foreign country/ authority concerned will have to be consulted with a view to obtaining their no objection to the proposed release.



(Vivek Katju)
AS (POL & SAARC)
& CC (BIMSTEC
Summit)
18-05-2007



(Jaimini Bhagwati)
JS(Eurasia)
18-5-2007



(Debnath Shaw)
JS (CNV)
18-5-2007

This is a draft. Please see it yourself & show it to JS (Eurasia). If you both feel that it's fine then please have it finalized and after both of you have signed it, I will send it to AS (PP).

Most Immediate
Right to Information Matter

Ministry of External Affairs
New Delhi

Reference notes no. RTI 52/AS(PP)/2007 of 19th April, 2007 and RTI

63/AS(PP)/2007 of 27th April, 2007 regarding the application filed by Shri

Anuj Dhar under the RTI Act requesting for certified copies of the complete

correspondence which the Ministry has had with the Government of

erstwhile Soviet Union and the Government of Russian Federation over the

disappearance of Netaji Subhash Chandra Bose.

2. We have gone through the correspondence on the subject. We feel

that copies of the correspondence could be given to Shri Anuj Dhar provided

the Government of the Russian Federation has no objection to this course of

action. We have seen the letter that has been addressed to our Mission in

Moscow to consult the concerned Russian authorities in this regard. A final

decision could be taken by the Ministry on the response received from the

Russian authorities.

3. While our views conveyed in the paragraph above disposes of the

specific question on which our views have been sought, we also feel that it

would be appropriate for the Ministry to examine the ^{overall} ~~basic~~ issue : Should

diplomatic interaction between the Ministry or our Missions/Posts abroad,

3156

JS (CNV)

Final as
emended by
JS (ERS) and
signed by both
of us for rec.
at your off.

D. M.
18/05/07

AS (POL & SAARC)

whether in writing or oral, with the Governments/authorities of their accreditation be exempted from the provisions of the RTI Act. Such diplomatic exchanges are, by their very nature, privileged and releasing them under the RTI Act may adversely impact on our credibility as a diplomatic interlocutor. While examining this issue, the Ministry could seek (i) a blanket exemption or (ii) an exemption for exchanges which are within a prescribed period e.g. 40 years or (iii) while accepting the present provision(s) of the RTI Act in regard to diplomatic exchanges insist that, for any material that the Ministry feels can be released, the ~~concerned~~ ^{concerned} foreign country/authority will have to be consulted with a view to obtaining their no objection to the proposed release.

(Vivek Katju)
AS(Pol & SAARC)
& CC(BIMSTEC Summit)
16.5.07
18

(Jaimini Bhagwati)
JS(Euroasia)
16.5.07
18

(Debnath Shaw)
JS(CNV)
16.5.07
18

Most Immediate
Right to Information Matter

No. RTI-52/AS(PP)/2007
Ministry of External Affairs
Additional Secretary (PP)'s Office

Sub. : Right to Information Act, 2005

Shri Anuj Dhar, 263, Kangra Niketan, Vikas Puri, New Delhi had filed an application under RTI Act, 2005 with the PIO of this Ministry on 02 August 2006 requesting for certified copies of the complete correspondence which the Ministry has had with the Governments of the erstwhile USSR and the Russian Federation over the disappearance of Netaji Subhash Chandra Bose. The PIO and subsequently, in response to an appeal, the then Appellate Authority in the Ministry, Shri Rinzing Wangdi, informed Shri Dhar that copies of the requested correspondence could not be given to him as this involves relations with a foreign State and the information is exempt as per the provisions of Section 8(1)(a)(i) of the RTI Act, 2005.

Shri Dhar thereafter appealed to the CIC. The CIC heard both the sides on 23 March 2007 and, in its decision, directed the Ministry to have the correspondence in question examined by its own experts and if need be, by an outside expert who the Ministry could rely on, and then take a firm decision.

In view of the decision of the CIC, a Committee consisting of the following three Officers is hereby constituted to examine the correspondence in question and give its recommendations to the Appellate Authority in the Ministry:-

1. Shri Vivek Katju, Additional Secretary (Pol).
2. Shri Jaimini Bhagwati, Joint Secretary (Eurasia).
3. Shri Debnath Shaw, Joint Secretary (CNV).

The recommendations of the above Committee may kindly be made by 11 May 2007.

A Choudhry
(Ajai Choudhry)
Additional Secretary (PP) &
Appellate Authority (RTI)
19 April 2007

Separate copies to:-

- ✓ 1. Shri Vivek Katju, Additional Secretary (Pol).
2. Shri Jaimini Bhagwati, Joint Secretary (Eurasia).
3. Shri Debnath Shaw, Joint Secretary (CNV).

473

Most Immediate
Right to Information Matter

No. RTI-63 / AS(PP)/2007
Ministry of External Affairs
Additional Secretary (PP)'s Office

Sub. : Right to Information Act, 2005

This is further to my note dated 19 April 2007 constituting a Committee of three officers, namely, Shri Vivek Katju, Additional Secretary (Pol), Shri Jaimini Bhagwati, Joint Secretary (Eurasia) and Shri Debnath Shaw, Joint Secretary (CNV) to examine the correspondence between the Ministry and the Governments of the erstwhile USSR and the Russian Federation over the disappearance of Netaji Subhash Chandra Bose.

Shri Vivek Katju, Additional Secretary (Pol) will be the Chairman of the Committee.

A Choudhry
(Ajai Choudhry)
Additional Secretary (PP) &
Appellate Authority (RTI)
27 April 2007

Separate copies to:-

- ✓ 1. Shri Vivek Katju, Additional Secretary (Pol).
2. Shri Jaimini Bhagwati, Joint Secretary (Eurasia).
3. Shri Debnath Shaw, Joint Secretary (CNV).

444

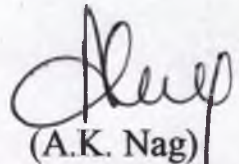
1265/JS (CNV)/07
10/4

'Right to Information/Urgent'

No. RTI/551/76/06
Ministry of External Affairs
(RTI Division)

Enclosed please find here a copy of Central Information Commission's decision no. CIC/OK/A/2006/00671 dated 23rd March, 2007 on the appeal of Shri Anuj Dhar, New Delhi seeking certified copies of the complete correspondence the Ministry of External Affairs had with the governments of the USSR and the Russian federation over the disappearance of Netaji Subhash Chandra Bose, for necessary action as directed by the Central Information Commission vide para 9.

Encl: As Above



(A.K. Nag)

Joint Secretary (Wel. & Inf.) &
Central Public Information Officer

09-04-07

JS (CNV)

Central Information Commission

No.CIC/OK/A/2006/00671

Dated: 23 March 2007

Name of the Appellant : Shri Anuj Dhar,
263, Kangra Niketan,
Vikaspuri, New Delhi - 110 018.

Name of the Public Authority : Ministry of External Affairs

Background:

Shri Anuj Dhar of New Delhi filed an application with the PIO, Ministry of External Affairs, on 2 August 2006 for seeking certified copies of the complete correspondence the Ministry of External Affairs had with the Governments of the USSR and the Russian Federation over the disappearance of Netaji Subhash Chandra Bose.

2. The PIO vide his letter dated 25 August 2006 informed the Appellant that the request to the Government of USSR and the Russian Federation were made through diplomatic channels at appropriate levels. The PIO also stated that the requisite copies of the correspondence could not be disclosed as it involves the relations with foreign State and is exempt from disclosure as per the provisions of Clause 8(1)(a)&(f) of the RTI Act.

3. Dissatisfied with the reply of the PIO, the Appellant filed an appeal with the first Appellate Authority on 23 September 2006 who vide his letter dated 6 November 2006 stated that the information sought did not constitute an 'information' as defined in the RTI Act, 2005 as it seeks 'anecdotal reply' and the requisite copies could not be disclosed as it involved relations with foreign state and was exempt as per the provisions of the Section 8(1)(a) and (i).

4. Thereafter, Shri Anuj Dhar filed a second appeal with the Central Information Commission on 29 November 2006.

5. The bench of Dr. O.P. Kejariwal, Information Commissioner, heard the matter on 23 March 2007.

6. Shri Ajai Choudhary, Additional Secretary (PP) and Shri A.K. Nag, Joint Secretary & CPIO, represented the Respondents.
7. The Appellant, Shri Anuj Dhar, was present in person.

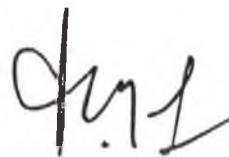
Decision:

8. The Commission heard both the sides. The main stand of the Respondents to the information sought by the Appellant which is regarding the correspondence between India and the Government of the erstwhile USSR and present day Russia was that this information could not be disclosed as it was likely affect the country's relationship with another State. The Commission also saw the Respondents' reply to the Appellant in their letter dated 6 November 2006 where besides the reason stated above, it also said that the information was not being disclosed as it did not fall under the category of "information" as defined in the RTI Act as it seeks "anecdotal" reply. The Commission could not see the applicability of this answer at all in the present case. The only ground, therefore, on which the information has been denied is that disclosure of the information is likely to affect "relations with a foreign state". On making enquiries from the Respondents, it was clear that this correspondence has neither been seen nor been examined by an expert to come to such a conclusion. Therefore, the Commission feels that the Applicant's application has been treated very casually and his request dismissed very summarily which goes against the very spirit of the RTI-Act.

9. The Commission, therefore, directs the Respondents to first have this correspondence examined by their own expert/s and if need be, by an outside expert who they can rely on and then take a firm decision. In case the experts come to the conclusion that the applicability of the denial clause is not relevant in the case, the material can be disclosed to the Appellant. However, in case the Respondents come to the conclusion that the relations between the Government of India and the Government of Russia would be affected through the disclosure of this information, the Commission would like the issue to be settled only after a reference has been made to the Government of Russia. The Commission would also like to examine the documents for itself before coming to a firm conclusion about the denial of this piece of information to the Appellant.

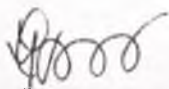
10. The Commission, therefore, directs the Respondents to have this correspondence examined as stated above and a reply send to the Appellant together with a copy to the Commission latest by 30 June 2007 on receipt of which, the Appellant is free to approach the Commission.

11. The Commission ordered accordingly.



(O.P. Kejariwal)
Information Commissioner

Authenticated true copy:



(Pankaj K.P. Shreyaskar)
Assistant Registrar

Cc:

1. Shri Anuj Dhar, 263, Kangra Niketan, Vikaspuri, New Delhi-110018
2. Shri A.K. Nag, Joint Secretary (Wel & Inf) & Central Public Information Officer, Room No. 207, Akbar Bhawan, Ministry of External Affairs, Chanakyapuri, New Delhi-110021
3. Shri Ajay Choudhary, Additional Secretary & Appellate Authority, Room No. 144 C, South Block, Ministry of External Affairs, Chanakyapuri, New Delhi-110011
4. Officer Incharge, NIC
5. Press E Group, CIC

1239/JS(CNV)/07
9/4/07

427

Most Immediate

Right to Information Matter
Time Bound

No.RTI- 36 /AS(PP)/2007

Ministry of External Affairs
Additional Secretary (PP)'s Office

Sub : Appeal filed by Shri Anuj Dhar under RTI, 2005 - Decision of the Central Information Commission.

This is further to my note No. RTI-30/AS(PP)/2007 dated 28 March 2007 requesting for correspondence between MEA and the Government of the erstwhile USSR and present day Russia regarding the disappearance of Netaji Subhash Chandra Bose. The CIC decision on the appeal of Shri Anuj Dhar has now been received and as per the directive of the CIC, the aforesaid correspondence with USSR/Russia has to be examined urgently. The information already requested on 28 March 2007 may, therefore, be provided to me latest by 13 April 2007 to enable me to take further action as directed by CIC.

A Choudhry
(Ajai Choudhry)
Additional Secretary (PP) &
Appellate Authority (RTI)
09 April, 2007

JS(CNV)

Copy original
Sent to SO (290)

1590/J3(CNV)/07
27/4

Most Immediate
Right to Information Matter

No. RTI-63/AS(PP)/2007
Ministry of External Affairs
Additional Secretary (PP)'s Office

Sub. : Right to Information Act, 2005

This is further to my note dated 19 April 2007 constituting a Committee of three officers, namely, Shri Vivek Katju, Additional Secretary (Pol), Shri Jaimini Bhagwati, Joint Secretary (Eurasia) and Shri Debnath Shaw, Joint Secretary (CNV) to examine the correspondence between the Ministry and the Governments of the erstwhile USSR and the Russian Federation over the disappearance of Netaji Subhash Chandra Bose.

Shri Vivek Katju, Additional Secretary (Pol) will be the Chairman of the Committee.

A Choudhry
(Ajai Choudhry)
Additional Secretary (PP) &
Appellate Authority (RTI)
27 April 2007

Separate copies to:-

1. Shri Vivek Katju, Additional Secretary (Pol).
2. Shri Jaimini Bhagwati, Joint Secretary (Eurasia).
3. ✓ Shri Debnath Shaw, Joint Secretary (CNV).

Most Immediate
Right to Information Matter

No. RTI-52 /AS(PP)/2007
Ministry of External Affairs
Additional Secretary (PP)'s Office

Sub. : Right to Information Act, 2005

Shri Anuj Dhar, 263, Kangra Niketan, Vikas Puri, New Delhi had filed an application under RTI Act, 2005 with the PIO of this Ministry on 02 August 2006 requesting for certified copies of the complete correspondence which the Ministry has had with the Governments of the erstwhile USSR and the Russian Federation over the disappearance of Netaji Subhash Chandra Bose. The PIO and subsequently, in response to an appeal, the then Appellate Authority in the Ministry, Shri Rinzing Wangdi, informed Shri Dhar that copies of the requested correspondence could not be given to him as this involves relations with a foreign State and the information is exempt as per the provisions of Section 8(1)(a)(i) of the RTI Act, 2005.

Shri Dhar thereafter appealed to the CIC. The CIC heard both the sides on 23 March 2007 and, in its decision, directed the Ministry to have the correspondence in question examined by its own experts and if need be, by an outside expert who the Ministry could rely on, and then take a firm decision.

In view of the decision of the CIC, a Committee consisting of the following three Officers is hereby constituted to examine the correspondence in question and give its recommendations to the Appellate Authority in the Ministry:-

1. Shri Vivek Katju, Additional Secretary (Pol).
2. Shri Jaimini Bhagwati, Joint Secretary (Eurasia).
3. Shri Debnath Shaw, Joint Secretary (CNV).

The recommendations of the above Committee may kindly be made by 11 May 2007.

A Choudhry
(Ajai Choudhry)
Additional Secretary (PP) &
Appellate Authority (RTI)
19 April 2007

Separate copies to:-

1. Shri Vivek Katju, Additional Secretary (Pol).
2. Shri Jaimini Bhagwati, Joint Secretary (Eurasia).
3. Shri Debnath Shaw, Joint Secretary (CNV).

MINISTRY OF EXTERNAL AFFAIRS
(CNV DIVISION)

.....

Kindly refer to your letter No.12014/2/06-NCB-II dated 25th May 2006 regarding Netaji Subhas Chandra Bose.

As per records available with this Ministry Netaji's name neither figured in the list of war criminals of UK Government nor in the UN list of war criminals. Copies of relevant communications in this regards are enclosed herewith.

Since the Ministry of Home Affairs is the nodal Ministry for handling the matters pertaining to Netaji Subhas Chandra Bose, an appropriate reply may be forwarded to concerned State Government.

(R.K. Verma)
Section Officer(NGO)

Ministry of Home Affairs, New Delhi (Shri Kamal Kishore, Section Officer, Security Division)

MEA u.o.No.25/4/NGO-XV dated 29th May 2006.



पृष्ठ 1

विदेश मंत्रालय, नई दिल्ली 79
MINISTRY OF EXTERNAL AFFAIRS
NEW DELHI

Narinder Chauhan
Director(CNV)

D.O.No. 25/4/NGO-Vol.VII

Dated December 18, 2001

Dear Shri Sengupta,

Please refer to your letter No. JMCI/Records/N.Delhi/99-2000/37/306(2) dated 18.9.2001 which was endorsed to this Ministry by the Ministry of Home Affairs vide their U.O. No. I/12014/20/2001-IS D-III dated 18.10.2001 regarding deletion of the name of Netaji Subhas Chandra Bose from the list of UN War Criminals.

In this connection, on the Ministry's advice, our Permanent Mission in New York had approached the UN Secretariat to have access to their archives. On examination of the records, nothing was found to indicate that the name of Netaji Subhas Chandra Bose figured in any of the lists of UN War Criminals.

Regards,

Yours sincerely,

N. Chauhan
(Smt. Narinder Chauhan)

To

Shri P.K.Sengupta
Secretary
Justice Mukherjee Commission of Inquiry,
'B' Block, (Third Floor),
11/A Mirza Ghalib Street,
Kolkata 700 087

Copy to Shri Tarakeswar Pal, Senior Counsel to the Govt. of India in the
Justice Mukherjee Commission of Inquiry



482

विदेश मंत्रालय, नई दिल्ली 79
MINISTRY OF EXTERNAL AFFAIRS
NEW DELHI

Narinder Chauhan
Director(CNV)

D.O.No. 25/4/NGO-Vol.VII

Dated December 18, 2001

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In this connection, on the Ministry's advice, our Permanent Mission in New York had approached the UN Secretariat to have access to their archives. On examination of the records, nothing was found to indicate that the name of Netaji Subhas Chandra Bose figured in any of the lists of UN War Criminals.

Regards,

Yours sincerely,

N. Chauhan
(Smt. Narinder Chauhan)

To

Shri P.K.Sengupta,
Secretary
Justice Mukherjee Commission of Inquiry,
'B' Block, (Third Floor),
11/A Mirza Ghalib Street,
Kolkata 700 087

Copy to Shri Tarakeswar Pal, Senior Counsel to the Govt. of India in the
Justice Mukherjee Commission of Inquiry

67

483

Government of India
Ministry of External Affairs
CNV Division

New Delhi, the 4th May, 2007
P.M.

Subject: W.P. No. 2741 of 2006 – Ashim Kr. Ganguly & Anr. Vs. UOI

Ministry of Home Affairs, Internal Security Division may please refer to their letter no. 12014/12/2007-Coordination dated 24th April 2007 addressed to Ministry of Law and Justice, Kolkatta and copy endorsed to this Ministry on the above subject.

2. In this connection, it is intimated that the Ministry of Home Affairs is the nodal Ministry which has been handling matters pertaining to Netaji Subhash Chandra Bose and not the Ministry of External Affairs as stated in the above said communication. The Ministry of External Affairs has been providing information in this regard as and when required.

3. It is also intimated that this Ministry has not received a copy of the above said writ petition nor any other communication relating to it in the past. In the absence of the availability of copy of the writ petition, it is not sure if this Ministry has been listed as one of the respondents. However, it is requested that a copy of the writ petition may please be made available to this Ministry for information and necessary action, if any, required at this end.

P. Shaw

(Debnath Shaw)
Joint Secretary (CNV) & CVO

MHA, Internal Security Division (Shri L.C. Goel, JS), North Block, New Delhi.
MEA U.O. No. 25/4/NGO-XVI

02
Issued
on
8/5/07

Most Immediate
Right to Information Matter

No. RTI-63/AS(PP)/2007
Ministry of External Affairs
Additional Secretary (PP)'s Office

Sub. : Right to Information Act, 2005

This is further to my note dated 19 April 2007 constituting a Committee of three officers, namely, Shri Vivek Katju, Additional Secretary (Pol), Shri Jaimini Bhagwati, Joint Secretary (Eurasia) and Shri Debnath Shaw, Joint Secretary (CNV) to examine the correspondence between the Ministry and the Governments of the erstwhile USSR and the Russian Federation over the disappearance of Netaji Subhash Chandra Bose.

Shri Vivek Katju, Additional Secretary (Pol) will be the Chairman of the Committee.

A Choudhry
(Ajai Choudhry)
Additional Secretary (PP) &
Appellate Authority (RTI)
27 April 2007

Separate copies to:-

1. Shri Vivek Katju, Additional Secretary (Pol).
2. Shri Jaimini Bhagwati, Joint Secretary (Eurasia).
3. ✓ Shri Debnath Shaw, Joint Secretary (CNV).

So (CNV) → copy kept

82 AM
27/4/07

⑤

(485)
1587/JS(CNV)/07
26/4
No. 1024/NGO/07
03/05

**No. 12014/12/2007-Coordination
Government of India
Ministry of Home Affairs
Internal Security Division**

9th Floor, C Wing,
Lok Nayak Bhawan, New Delhi
Dated 24th April, 2007.

To

Shri G.S.Makkar,
Jr. CGA,
Ministry of Law and Justice,
11 Strand Road,
Kolkata-1.

Subject: W.P.No. 27541 of 2006- Ashim Kr. Ganguly & Anr. Vs. UOI

Sir,

I am directed to refer to your letter No. 1204/Home/06-III/548/1673 dated 19.1.07 enclosing a copy of letter dated 8.1.07 from the panel counsel Shri Tarun Kr. Ghosh, Advocate, in connection with incurring of public money from Public Exchequer for preservation and reservation and/ or maintenance of Renkoji Temple, Japan allegedly keeping the ashes of Netaji Subhash Chandra Bose.

Apparently the subject matter pertains to Ministry of External Affairs. However this Ministry has not received copy of the W.P.No. 27541 of 2006- Ashim Kr. Ganguly & Anr. Vs. UOI nor any other communication in this regard. It is requested to send a copy of the Writ Petition to us, of Ministry of Home Affairs has also been made respondent. This may please be treated as urgent.

(S.K.Goswami)

Under Secretary to the Government of India

✓
Copy to:- (i) Ministry of External Affairs (Shri Debnath Shaw, Joint Secretary (CNV), South Block alongwith a copy of the letter No. . 1204/Home/06-III/548/1673 dated 19.1.07 received from Ministry of Law and Justice, Kolkata, with enclosures.

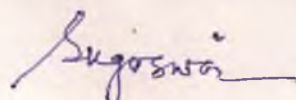
Pl. for a file.

D. Shrivastava
01/05/07

SO (MHO)

M. K. S.
M. M. K.
11/5/07

(ii) Shri Tarun Kumar Ghosh, 10-A, Dr. Kartick Bose Street, Ist Floor, Kolkata
-700009



(S.K. Goswami)

Under Secretary to the Government of India

1598 DS(L) 108
20/4

24 No 2342/JS (2007)
17/4/07

487 (7)

Court Matter

Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantrayala

Jaisalmer House, Mansingh Road
New Delhi - 110 011.

Subjet : Letter dtd.19.01.2007 in W.P. No.27541 of 2006 - Ashim Kr.Ganguly & Anr. Vs. UOI.

Letter dated 19.01.2007(received in this Division 11.4.2007) received from Shri G.S. Makker, Jr.CGA, Ministry of Law & Justice, Kolkatta, forwarding therewith copy of letter dtd.8.1.2007 from Govt.Counsel Sri Tarun Kr.Ghosh, Advocate is the concern of the **I.S. Division**. They may please take over the receipt for further necessary action.

2. The above mentioned order has not been acknowledged.

Encl : As above.

S. H. Thampi

(Santha Thampi)

Under Secretary to the Govt. of India
Tel.No.23381509

Internal Security Division
[Shri L.C. Goel, Joint Secretary]
North Block, New Delhi.

MHA I.D. No.23/7/2007(Vol.I)[Dy.No.394]-Judl. & P.P. dated

April, 17/2007.

input H
17/4

DS (Legal)

(L)
For your file, (L)
Amrcl
23/4

US (Arms)

24/4/07

33(A)

US (L)

DS (Legal)

US (Arms)

The Matter relates to Benkoji Temple
i.e. Netaji Subhash Chandra Bose -
Please write to Adv. T.K. Bose
That we have not received
copy of petition etc. Also fwd. a
copy to MHA. If you like you may
dismiss.

No such case is pending in Cdn Sec. I
Key Pl Sec.

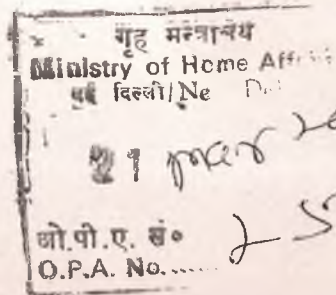
Not for legal cell. 23/4/07
Amrcl
23/4/07

488
1548/1673
No. 1204/Home/06-III
Ministry of Law & Justice
11, Strand Road, Kolkata-1.

Date :- 19.1.07

To
The Secretary
Ministry of Home Affairs
North Block
New Delhi.

Sub:- WP No. 27541(W) of 06
Ashim Kr. Ganquly & Anr.
-Vs-
U.O.I. & Ors.



509
354/cont-2007-2008
11/9/07
Sir,

Enclosed please find herewith a copy of letter dt. 8.1.07 as received from our panel counsel Sri Tarun Kr. Ghosh, Advocate which speaks for itself.

You are requested to depute one conversant officer alongwith necessary instruction to meet our panel counsel to do the needful.

Encl: As above.

Yours faithfully,

2/5
G.S. Makker I
Jr.CGA

Arjun Kumar Ghosh

Advocate.
High Court, Calcutta.

Bar Association

Room No. 2

High Court, Calcutta

Ph: Bar Association: 2248-5579/3190

Fax No: (033) 2248-2313

E-mail: barasohc@calcmc.net.in

Chamber : 2350-9128 & 2351-2988

Mobile : 9433506066

Fax No: (033) 2350-9128

Chamber :

10-A, Dr. Kartick Bose Street,

1st floor, Kolkata - 700 009

Visiting Hours : 6 P.M. to 9 P.M.

By Hand
Through Special Messenger

The 08th January, 2007

To
The Additional Government Counsel
Ministry of Law & Justice,
Department of Legal Affairs, Branch Secretariat,
4, Kiron Shankar Roy Road,
Kolkata - 700 001.

Your Ref. File No. 1204/Home/06/III dt. 21.12.06.

Re : W. P. No: 27541 (W) of 2006

Sri Ashim Ganguly & Anr. Petitioners.

-Vs-

Union of India & Ors. Respondents.

(The matter is pending in the Hon'ble High Court, Calcutta)

Dear Sir,

This is to inform you that the above writ petition was listed in the cause list dated 22.12.2006 of Their Lordships The Hon'ble Mr. V. S. Sirpurkar and The Hon'ble Justice Arun Kumar Mitra and placed for hearing on 22.12.2006 when I appeared on your behalf. The matter was heard and after hearing the Ld. Advocates for the respective parties Their Lordships directed to be placed the matter again for hearing after ensuing x-mass vacation. Accordingly, the matter was again listed in the cause list dated 05.01.2007 of Their Lordships and placed for hearing on 05.01.2007 itself when I appeared on your behalf before Their Lordships. The matter was heard at length and after hearing the Ld. Advocates for the respective parties Their Lordships were pleased to direct to file the affidavit-in-opposition in the matter within 3(three) weeks from the date.

It is pertinent to mention here that the subject matter of the above writ petition, inter alia,

"Prohibition forbearing the Respondents nos. 1 to 4 from incurring any amount of public money from public Exchequer for preservation and reservation and/or maintenance of Honkoji Temple, Japan allegedly keeping the ashes of Netaji allegedly died on 18.08.1945 till the disposal of this writ petition."

08/01/2007

Hi-Manu Singh for ...
167
- 9 JAN 2007

Encl..... P/9

Tarun Kumar Ghosh

Advocate.
High Court, Calcutta.

Bar Association

Room No. 2

High Court, Calcutta

Ph: Bar Association: 2248-5579/3190

Fax No: (033) 2248-2313

E-mail : barasohc@cal.cmc.net.in

:: 2 ::

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Chamber :

10-A, Dr. Kartick Bose Street,

1st floor, Kolkata - 700 009

Visiting Hours : 6 P.M. to 9 P.

The 08th January, 2007.

In this context, it is therefore requested you to kindly arrange to furnish brief history along with parawise comments to the writ petition immediately so that I can prepare affidavit-in-opposition on your behalf and the said opposition be affirmed by the competent official of the concerned department after vetting the same in time in compliance with the order of this Hon'ble Court in the matter.

Please do the needful.

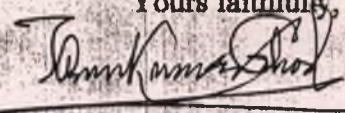
Thanking You.

Copy to :

1. The Principal Secretary,
Office of the Prime Minister, Govt. of India,
7, Race Course Road, New Delhi.
2. The Director,
Netaji Research Bureau,
38/2, Lala Lajpat Roy Road, Kol-20.

For information and necessary action.

Yours faithfully,



(TARUN KUMAR GHOSH)

Advocate.

08/01/2007

Regd with A/D Post

978/NH0/07
2574

(4)

(491)

1526/J3(CNV)/07
24/4
Right to Information/Urgent

Ministry of External Affairs
(RTI Division)

....

836-Akbar Bhavan, Chanakyapuri
New Delhi-110 021.

No.RTI/551/102/2007

Dated: 23rd April 2007

Shri Ravindra Kumar
S/O (Late) Sh. Aghunath Das,
C/o P.K. Samantaray
Near M.I Colony, Old Town
Nayagarh-752070(Orissa).

Subject:- Application under Right to Information Act, 2005.

Please refer to your RTI Application dated 19.3.2007 received through District Office, Nayagarh vide their letter No.101 dated 22.3.2007 seeking information under RTI Act, 2005 regarding Missing of Netaji Subhash Chandra Bose (as per Annexure attached with your application).

2. In this connection, it is intimated that the Ministry of Home Affairs is the nodal Ministry which has been handling matters pertaining to Netaji Subhash Chandra Bose. Therefore, your application, in original, is being transferred to them under Section 6(3)(ii) of the RTI Act with the request to furnish the requisite information to you directly.

Yours faithfully,

Sd/-

(A. K. Nag)

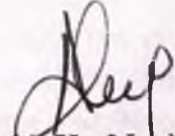
Joint Secretary(Wel. & Inf.) &
Central Public Information Officer

DS
24/04/07
Sof(Ngo)
BMH
24/4/07

- 2 -

Copy to:-

1. Shri S.P. Verma, Deputy Secretary & Public Information Officer, Ministry of Home Affairs, Lok Nayak Bhawan, New Delhi-110 003. Copy of Distt. Office, Nayagarh's letter (in original) alongwith application of Shri Ravindra Kumar are enclosed herewith. It is requested that requisite information may kindly be furnished to the applicant directly under intimation to this Ministry.
2. District Office, Nayagarh-752070 (Orissa).
3. JS(CNV), Ministry of External Affairs, New Delhi w.r.t. his note No.25/4/NGO-XV dated 17.4.2007.


(A.K. Nag)

Joint Secretary(Wel. & Inf.) &
Central Public Information Officer



3

937/N60/07
22/4

493

Dr. J. Bhagwati
Joint Secretary

Ministry of External Affairs
South Block, New Delhi-110 011
Mail : jsers@mea.gov.in
Phone : 23017411
Ph/Fax : 23011922

Secret

No. 11 /JS(ERS)/2007

20 April 2007

Dear

Please refer to AS (PP) and Appellate Authority (RTI)'s self-explanatory note [enclosed] no. 30/AS(PP)/2007 dated 28 March 2007. In the context of the AS (PP)'s note, JS (CNV) has listed correspondence between the Russian and Indian sides regarding Netaji Subhash Chandra Bose's reported stay in the then USSR. JS(CNV) has suggested that we may disclose this correspondence between India and Russia to the appellant. A copy of JS (CNV)'s note is also enclosed.

2. AS (PP) has requested for Eurasia Division's views. In our opinion, it may be necessary to confirm with the Russian side whether they would have any objection to release of correspondence received from them on this subject. In this context, copies of the correspondence, as available in CNV Division's records, are enclosed. It would be appreciated if the Mission could ascertain the views of the Russian side before the enclosed documents are released to the appellant. Mission's response may kindly be addressed to AS(PP) with copy to JS(CNV) and ERS Division.

Yours sincerely,

Sd/-
(Dr. J. Bhagwati)

Shri Divyabh Manchanda
Deputy Chief Of Mission
Embassy of India, Moscow

Copy (without enclosures) to: via N60

- i) AS(PP)
- ii) JS(CNV)

JS
23/4

50(N60)
24/4/07

Dr. J. Bhagwati)

②

494

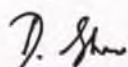
No.25/4/NGO-XV
Ministry of External Affairs
(NGO Section)

Subject: Application under RTI Act, 2005 of Shri Ravindra Kumar Das of Nayagarh, Orissa seeking information regarding Netaji Subhash Chandra Bose.

Kindly refer to JS(Welfare & Inf)'s note No.RTI/551/104/2007 dated 10.4.2007 on the subject mentioned above.

2. The Ministry of Home Affairs is the nodal Ministry which has been handling matters pertaining to Netaji Subhash Chandra Bose. The Ministry of External Affairs has been providing information in this regard as and when required.

3. In view of the above, it is requested that the application of Shri Ravindra Kumar Das may please be forwarded to the Ministry Home Affairs to furnish requisite information to the applicant.


(Debnath Shaw)
Joint Secretary(CNV)
17.4.2007

JS(Wel & Inf) & CPIO,
MEA

02
Issued
19/4/07

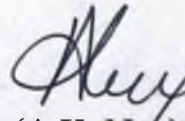
1309/JS (CNV)
13/4/07
897/N40/07
17/4
No.RTI/551/104/2007
Ministry of External Affairs
(RTI Division)

Subject: - Application under RTI Act, 2005 of Shri Ravindra Kumar Das of Nayagarh, Orissa.

We have received an application dated 22nd March, 2007 (received on 2-4-2007) from Shri Ravindra Kumar Das, resident of P.K.Samantaray, near M.I. Colony, Old Town, Nayagarh, Po/PS/ district, Nayagarh (Orissa)-752070 seeking Information under Right to Information Act, 2005 regarding "missing or no more in being issue" of Netajee Subhash Chandra Bose. A copy of his application is enclosed for ready reference.

2. It is requested that the requisite Information may please be furnished to this Division to enable us to provide the same to the applicant with in the prescribed time limit as per RTI Act.

Encl.....As above


(A.K. Nag)
Joint Secretary (Welfare & Inf.) &
Central Public Information Officer
10-4-2007

JS (CNV) Pl examine. It seems that other than 1(a), other information could pertain to MHA. If so, pl take action accordingly.

D. Sh-
16/04/07

SO (AG-50)
Pls per. in file urgently.
R
17/4

For MH

3073/EAM/07
29/3

RTI URGENT

DISTRICT OFFICE, NAYAGARH
(R.T.I. BRANCH)

No. 101 /Dt. 22-03-2007/

To

The Public Information Officer,
O/o. Cabinet Minister in Govt.
Hon'ble Pranab Mukharjee, Ministry of
External Affairs, India, New Delhi.
Application under Section 6(I)
of R.T.I. Act-2005.

Sub

Sir/Madam

One Sri/Smt. Ravendra Kumar Das,
40-Late Raghunath Das, O/o. P.R. Samantary, Near H.I.
Colony, Old Town, Nayagurh P.O./P.S. Dist - Nayagurh (Orissa) - 752070 -
has solicited information under Section 6(I) of R.T.I.

Act-2005. The required information is not available with
this Office. The required information is available with
your Office. Hence the application is transferred to you
under Section 6(3)(II) of the Act for necessary action.

Yours faithfully

Public Information Officer
Collectorate, Nayagurh

Memo No. /Dt. /

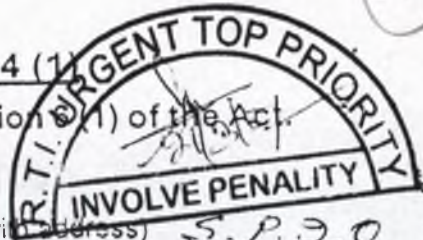
Copy to Sri/Smt. Ravendra Kumar Das,
40-Late Raghunath Das, O/o. P.R. Samantary, Near H.I.
Colony, Old Town, Nayagurh, P.O./P.S. Dist - Nayagurh (Orissa) - 752070 -
for information.

Public Information Officer
Collectorate, Nayagurh

SS(CNV)

FORM - A (See Rule - 4 (1))

Application for information under section 6(1) of the Act.



C.No. 25/07

To,

The Public Information Officer (Name of the office with address)

S.P.O. Collectorate,
Nayagarh.

1. Full name of the applicant

Ravindra Kumar Das.

2. Father / Spouse name

Late :- Raghunath Das.

3. Permanent Address

R.K. Das, c/o P.K. Samantaray,
Near M.I. colony, C/O - Town,
Nayagarh - 752070.

4. Particulars in respect of Identity of the applicant

Photo Identity card (xerox copy) as in Annexure - 'C'

5. Particulars of information solicited

Information on missing Subash & Raju
a war criminal, located in which countries
of U.N.C etc as in Annexure - 'A' from the
Himalaya External Affairs Ministry, Prasad Hukhari

(a) Subject matter of information

(b) The period to which the information related

(c) Specific details of information required

(d) Whether information is required by post or person :

Right since the "Shant Ratna"
posthumous award could not be conferred
on interruption of Honble High Court &
copy of evidences like death certificate,
medical certificate etc asked for as
in above.

In person at the office
etc would be collected,

(The actual postal charge shall be included in providing information)

(e) in case by post

: (Ordinary / Registered / Speed) - does not exist -

6. Address to which information will be sent & in which form

- in person, collected -

7. Was the information provided earlier

- NO -

8. Is this information not made available by the public authority :

- YES -

9. Do you agree to pay the required fee

- YES -

10. Have you deposited application fee

- Exempted -

(If yes details of such deposit)

11. If other belongs to B.P.L. Category, have you furnished the proof of the same

- YES -
Xerox copy of B.P.L. Card as in Annex - 'B'

Place: Nayagarh Hk.

Ravindra Kumar Das

Full Signature of the Applicant

Date: 19th. March, 2007. Address

c/o P.K. Samantaray, Near M.I. colony,
C/O - Town, Nayagarh - 752070.

(498)

ANNEXURE - 'A'

The solicited informations are from the High Offices of the Union of India and its ruling Chairperson like Cabinet Minister in the Government, Hon'ble S.J. Pranab Mukherji, Ministry of External Affairs, India, New Delhi-1 and are as under:

1) That the Hon'ble Minister/His office may kindly be pleased to give me the informations on the matter of MISSING OR NO MORE IN BEING issue of Netajee SUBAS CHANDRA BOSE to whom Government of India had awarded the country's highest honour "BHARAT RATNA" too.

a) the said award whether had been conferred and if not when is going to be conferred, being posthumous as declared,

b) the patriotic ~~Acen~~, who had triggered the target to be set ablaze, too alone, in the heroic fight for free India and not only made done but morely well done, whether pictured alive, on the records of free India still as a "WAR-CRIMINAL".

c) if yes then, for what best reasons, while to fight out a foe of imperialism as he had sacrificed everything, even to his I.C.D. degree and life, that's why such a prize token of prefix, being imposed by the colonialists and why used to be go on maintained too, by we like inherited black colonialists or anything^{else} kindly be made open ~~xxx~~ also whether is not a national dishonour or shame to be informed to,

(P.T.O.)

(499)

//2//

d) how many member countries in U.N.O. still maintain on record Netaji as WAR CRIMINAL if readily is not available, steps be taken to collect with support from all the member countries through the office/offices of High Commissioner/s & please be given to me accordingly.

2) That our Holy Constitution was adopted in India declaring as a Republic, Sovereignty right since on 26th January-1950 but what was then the Warranting condition a part, containing certain articles passed few months before in 1949, if not only apprehending a danger to the crown, in anticipation of the missing Netaji's danger, ~~such~~ such had not been preferred please be informed to satisfactorily me and the nation the real truth behind alongwith the copy of those pages, placed before the Parliament in 1949.

3) That in "Taihoke" Air crash Subash Ch. Bose resumed to be dead, please be kind to give the day before and day after actuals ruled there with the proof of Japan Govt's note alongwith the copy of medical certificate, death certificate equally supported by photo copies & declarations or documents in the matter and dates stated too.

Dated Nayagad H:
19/k. March, 2007.

Raviendra Kumar Das,
C/o P.K. Samantaray,
Near M.G. Colony,
PO-Town,
Nayagad-752070